

DEVELOPMENT OF MEASURES TO PREVENT CRIMES COMMITTED TO MINORS

<https://doi.org/10.5281/zenodo.15578916>

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Annotation

This article analyzes the types of crimes committed against minors, their causes, socio-legal factors, the system of preventive measures in this regard, as well as the theoretical and scientific conclusions of scientists in this area.

Key words

UNICEF, crime, close relatives, defamation, indecent acts, antisocial behavior, Criminal code, Code of administrative responsibility, Supreme court plenum.

In order to reliably protect the rights of minors, prevent cruelty and violence against them, it is necessary to improve legislation in accordance with international requirements, introduce specific legal guarantees for the protection of the rights of minors, and eliminate existing shortcomings in legislation. In Uzbekistan, the issue of reliable protection of the rights, freedoms, and legitimate interests of minors is also defined as a priority area of state policy. In society, the protection of the rights of minors and their protection from crime has become a priority in state policy.

In this regard, the President of the Republic of Uzbekistan Sh.M.Mirziyoyev, having organized a new approach, noted: "We see the achievement of our great goals, the future of New Uzbekistan in connection with you, as well as with all our people. Therefore, ensuring the rights and interests of youth, their development is always at the center of our attention as one of the most priority areas of our state policy"[1], which means how deeply rooted the attitude towards youth in the Republic of Uzbekistan is.

It can be said that in 2024, 1,342 crimes involving minors were registered in Uzbekistan[2], which indicates the need for more effective organization of preventive measures with young people. In international practice, systematic approaches aimed at protecting minors from the criminal environment are also important. For example, according to UNICEF, school-family cooperation protects young people from serious consequences. In this regard, the development of preventive measures requires a comprehensive approach to the problem. In this,

the combination of a scientific-theoretical approach and professional practice is important[3].

UNICEF also sets out guidelines, including basic requirements for non-discrimination against minors, adherence to the most essential interests of the child, living, free development and any rights that should be exercised through them, with a view to ensuring the international protection of the rights and interests of minors.[4] Such rights also include the right to adequate food, shelter, clean water, formal education, primary health care, leisure and recreation, cultural events and information about their rights. Indeed, these rights are significant not only because they require the availability of means of exercising them, but also because they require their observance by member states.

Of course, crimes against minors belong to different categories and in many cases manifest themselves in such forms as physical, psychological, and sexual violence, economic exploitation, and violation of the rights of education and upbringing. The increase in juvenile delinquency in Uzbekistan is due to various factors that can be cited as the main reasons. Psychologists point out that these factors are the family environment, lack of supervision, and gaps in education[5]. In particular, as a result of parents working abroad, children are left unattended or, in some cases, joined various risk groups via the Internet, the number of such cases increased by 27% in 2023. This requires the organization of preventive work based on modern information technologies, early identification of causes, and implementation of necessary measures.

A. Makarov, addressing this issue, emphasizes the need to introduce flexible anti-violation systems in educational institutions[6]. As a practical expression of this opinion, it should be noted that when the "Young Lawyers" club was organized in schools in 2023, a 15% reduction in the crime rate among schoolchildren was achieved. This indicator is a priority activity aimed at forming the legal culture of young people in the educational process. Along with the active participation of school psychologists in prevention, continuous interaction between government bodies and schools is necessary.

In our opinion, the prevention of crimes against minors can be divided into various directions. One of them is the provision of initial knowledge in educational institutions, which serve as the main tool for the socialization of minors.

Another important issue that needs attention is that international organizations for the protection of minors also publish statistical data. In particular, according to UNICEF, every 4 minutes one minor dies in the world as a result of violence, and about 400 million are subjected to physical punishment or psychological violence at home. Another 650 million girls and women have been

sexually abused in childhood, of which 370 million have been victims of rape or sexual assault.[7] According to the 2023 UN Global Juvenile Rights Report, 473 million minors (one in five children) currently live in armed conflict areas worldwide. Of these, 32,990 serious offenses were recorded against 22,557 people. This increases the need to strengthen preventive measures in the protection of the rights of minors.

As is known, special inspectors of law enforcement agencies, including internal affairs bodies, play an important role in crime prevention. In particular, the number and qualifications of prevention inspectors determine the effectiveness of their activities. In 2024, 2380 crimes related to minors were stopped through prevention inspectors, which demonstrates the effectiveness of the systematic approach. However, improving the qualifications of these inspectors remains a pressing issue. They are required to possess not only legal, but also psychological knowledge. Therefore, it is advisable to organize retraining and advanced training courses in the system of internal affairs bodies on an ongoing basis.

According to the Ministry of Internal Affairs, in the first quarter of 2024, 189 minors in our country were subjected to various forms of physical violence or torture by their family members or relatives. These cases are assessed under Article 110 (Torture) of the Criminal Code of the Republic of Uzbekistan. In accordance with the Law of the Republic of Uzbekistan dated April 11, 2023 No. 3PY-829[8], large-scale work has been carried out aimed at radically improving the institutional and legal framework for the reliable protection of the rights, freedoms, and legitimate interests of minors from harassment and violence, preventing neglect among minors and the commission of offenses by them, as well as providing state support to minors with disabilities and minors deprived of parental care.

In particular, according to Article 1261 of the Criminal Code of the Republic of Uzbekistan (Family (domestic) violence), obstruction of property, the exercise of the right to education, healthcare and (or) labor, intentional damage to property and personal belongings, as well as insulting the honor and dignity of persons who have a common child, intimidation, separation from close relatives, committed after the application of administrative penalties for the same actions, as well as in the absence of other signs of a crime, are punishable by a fine from twenty to thirty times the base calculation amount or compulsory community service from one hundred sixty to three hundred hours or correctional labor for up to two years.

In particular, among crimes against minors, acts against sexual inviolability occupy a special place, and in 2023, 212 crimes related to sexual violence against minors were identified in Uzbekistan.[9] These include, in most cases, crimes under Article 118 (Incestment) and Article 129 (Violent acts against a person under the age

of sixteen) of the Criminal Code of the Republic of Uzbekistan. Another noteworthy aspect is that while the Criminal Code of the Republic of Uzbekistan establishes criminal liability for committing non-violent acts against persons under sixteen years of age, the concept of "violent acts" is not clearly defined. This creates a number of problems in the application of this right and the protection of the sexual inviolability of minors.

Firstly, the lack of a clear definition of "shameless acts" creates the possibility of different interpretations of this concept. In judicial and investigative practice, uncertainty arises regarding which forms of these actions are considered criminal. For example, in some cases, when physical contact is required or not, conflicting decisions are made regarding the presence of criminal elements in these actions.

Secondly, such uncertainty can make the protection of the sexual inviolability and interests of minors ineffective. Since victims often do not fully understand their rights and do not know how to document criminal acts, their interests are not fully ensured.

Thirdly, the lack of clear guidelines for law enforcement agencies and courts on the application of the concept of "depraved acts" can lead to the evasion of punishment by the guilty parties or the imposition of an unfairly lenient punishment. Such situations increase the sense of injustice in society and reduce the effectiveness of preventive measures.

In their research, D.A. Musatova and E.A. Pashchenko noted the need to clarify the wording of the corpus delicti and paid special attention to its significance. In their opinion, the ambiguity of the norms expressing the corpus delicti leads to different interpretations between law enforcement agencies and citizens. This can lead to conflict situations and unfair decisions in law enforcement practice[10].

In our opinion, the introduction of clear concepts of the corpus delicti will also play an important role in the prevention of offenses, since citizens will be able to clearly know whether their actions contradict or comply with the law. Therefore, clarifying the necessary norms serves not only to increase the effectiveness of the legal system, but also to strengthen legal awareness in society. In the current legislation, there are a number of norms on the protection of the rights of minors. However, they are often defined within the framework of general norms, and it is necessary to adopt special norms, taking into account the specifics of offenses against minors.

The issue of the illegal use of the labor of minors is also included among the important areas that must be ensured in the protection of their rights. In particular, according to Clause 4 of the Joint Resolution of the Ministry of Labor and Social

Protection of the Population of the Republic of Uzbekistan and the Ministry of Health of the Republic of Uzbekistan dated 2021, requirements have been adopted on the inadmissibility of the use of the labor of minors, according to which the use of the labor of minors is not permitted in work performed underground, underwater, at a dangerous height or in a closed environment, associated with dangerous mechanisms, tools and equipment, performed in difficult working conditions (related to long working hours, night work, etc.), in harmful conditions that lead to harm to the health of minors under the influence of hazardous objects or processes, a high level of temperature, noise or waves, which, by its nature, is harmful to the ethics of this category of workers, associated with lifting and transporting heavy loads exceeding the established norms[11].

In addition, there are still many cases of involving minors in antisocial work, and it is necessary to clearly enshrine this act in the Criminal Code and the Code of the Republic of Uzbekistan on Administrative Responsibility. Currently, such provisions are contained in the resolutions of the Plenum of the Supreme Court, which can lead to various interpretations. Establishing certain norms at the legislative level ensures a unified approach to law enforcement and prevents various interpretations. In addition, it is recommended to use the results of scientific research to improve judicial and investigative practice in cases of crimes against minors. This will serve to effectively protect the rights and interests of this category of persons. In general, to solve the problems of protecting the rights of minors, it remains necessary, first of all, to create a conceptual and methodological framework.

According to the Ministry of Internal Affairs of the Republic of Uzbekistan, in 2024, crimes committed with the participation of minors increased by 370, and in 18% of cases, there were cases of their involvement by adults. The involvement of minors in criminal activity is not only a violation of the law, but also a dangerous social problem that leads to the moral decay of future generations. B.M.Ubaydullaeva also studied this issue as an object of research, emphasizing that if a child is formed in an environment contrary to the law, their legal consciousness is disrupted. In such cases, not only punishment but also prevention should be the primary means[12].

In our opinion, agreeing with the comments of B.M.Ubaydullaeva, it is advisable to somewhat strengthen the measures of legal influence in Article 127 of the Criminal Code of the Republic of Uzbekistan (Involvement of a minor in antisocial behavior).

Therefore, the issues presented through various scientific perspectives allowed for the advancement of a number of considerations.

Firstly, the mechanisms of liability for sexual intercourse with a person under the age of 16 (Article 128 of the Code of Administrative Offenses) and indecent acts against him (Article 129 of the Code of Administrative Offenses) should be reviewed, since the absence of a clear mechanism for some legal concepts in the current legislation is causing disputes in the precise definition of liability in this area.

Secondly, negligence in the upbringing of minors and their involvement in illegal activities leads to an increase in the level of delinquency in society. Such children are formed in an aggressive environment, ignoring social norms. In the future, along with increasing their propensity for crime, it will become a factor of social instability in families and educational institutions. This requires a separate characterization of the illegal actions of persons educating and raising minors.

Based on the above considerations, we considered it necessary to make the following proposals to the current legislation on the prevention of crimes against minors:

1. It is advisable to include in the Criminal Code of the Republic of Uzbekistan Article 1281 "Incitement or involvement in indecent acts through social networks of a person under the age of sixteen."

2. When establishing criminal liability in cases related to Article 128 (Sexual intercourse with a person under the age of sixteen) and Article 129 (Depraved acts against a person under the age of sixteen) of the Criminal Code of the Republic of Uzbekistan, it is necessary to introduce as an aggravating circumstance the commission of crimes by teachers, coaches, sports instructors or guardians.

In general, it can be said that the implementation of practical recommendations will serve to prevent dangerous actions carried out through social networks. At the same time, the assessment of crimes committed by persons responsible for upbringing and education as an aggravating circumstance increases the sense of responsibility in society. Indeed, these additions to the legislation ensure legal effectiveness in our society and increase attention to the moderation of punishment. This can have a positive effect on reducing the proportion of crimes against minors and creating a stable and healthy social environment in Uzbekistan.

REFERENCES:

1. 1. Holiday greetings to the youth of Uzbekistan. 30.06.2024 // <https://president.uz/ru/lists/view/7361>

2. 2. Proportion of persons aged 16-17 who have been identified as having committed crimes. 2024 // <https://api.siat.stat.uz/>
3. United Nations Children's Fund (UNICEF). Youth of Uzbekistan: Challenges and Prospects. December 2020 // <https://www.unicef.org>
4. 4. UNICEF (2020) Building a national social protection system suitable for children and youth of Uzbekistan: 25.
5. 5. M. Mukhamedov. "Youth Psychology and Dangerous Trends in Society." T.: 2022. Page 57.
6. 6. Makarov A.V. Criminal Liability for Violation of the Rights of Minors: Diss. Cand. Jurid. Sciences: 12.00.08 / Scientific Director.
7. Yu.V. Trunsevsky. - Тошкент, 2020. - 170 p.
8. Fast facts: Violence against children widespread, affecting millions globally. 04 November 2024 // <https://www.unicef.org>.
9. 9. Law of the Republic of Uzbekistan dated April 11, 2023 No. ZRU-829 "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Further Improvement of the System of Reliable Protection of the Rights, Freedoms and Legitimate Interests of Women and Children" // <https://lex.uz/docs/6430272>
10. 10. Bulletin of the Chambers of the Oliy Majlis of the Republic of Uzbekistan. 2024. Page 20 // <https://parliament.gov.uz>
11. 11. Pashenko E.A. "Criminal policy in relation to crimes against sexual inviolability: lawmaking and law enforcement" // North Caucasus Legal Bulletin. - 2014. - No 2. - C. 44-47;
12. Musatov D.A. "Criminal-legal characteristics of sexual relations and other acts of a sexual nature with a person under the age of sixteen" // Business in Law. - 2013. - No 6. - B. 79-82.
13. 13. Regulation on the Approval of the Regulation on Requirements for the Prevention of the Use of Minors' Labor. January 15, 2010, No. 88/1 // January 15, 2010, No. 1 // <https://lex.uz/acts/1582076>
14. 14. Ubaydullaeva B.M. "Uzbek traditions and innovations in child-rearing (second half of the 20th century - beginning of the 21st century)." Abstract of the dissertation of Doctor of Historical Sciences. 15.09.2022. Page 21.