



The Concept of Crimes Against the Family and Youth in the Criminal Legislation of the Republic of Uzbekistan and Their Social Danger

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Article History	Abstract
Received: 06 June 2023 Revised: 05 Sept 2023 Accepted: 11 Sept 2023	<i>This article discusses the issues of responsibility for committing crimes against families and children, as well as for their public safety, for which they are prosecuted in the Republic of Uzbekistan. Proposals to toughen punishment for such crimes are given.</i>
CC License CC-BY-NC-SA 4.0	Keywords: Family, Youth, Criminal Aggression, Interest, Objective Side, Socially Dangerous Act, Criminal Act, Qualification, Involvement In Prostitution, Organized Group, Criminal Community, Drugs, Individualization Of Punishment

1. Introduction

In criminal law, the term family should be understood as the circle of persons related to the rights and obligations arising from marriage, kinship, adoption or other forms of adoption for raising children. Family interests can be defined as needs related to the implementation of functions of the family as a social institution (Akhmyarov, 2023). As for the concept of "youth", a number of concepts related to this term are used in national legislation: "youth", "minors", "children", etc. In particular, in Article 3 of the Law "On Guarantees of Children's Rights", a person who has reached the age of 18, that is, before reaching adulthood, is recognized as a child (Law, 2008). According to Article 22 of the Civil Code, the ability of a citizen to acquire civil rights and exercise them, to create civil duties for himself and to fulfil them (the ability to behave) comes into full effect when he reaches adulthood, that is, when he turns 18 years old. That is, persons under the age of 18 are considered minors. Also, in accordance with Article 3 of the Law "On State Policy Regarding Youth", persons who have reached the age of 14 and are not older than 30 are considered youth (young citizens) (OSPRY, 2016). So, we can see that the issues related to these concepts are regulated in legislation.

It is known that Article 77 of the Constitution of the Republic of Uzbekistan enshrines the constitutional norm that parents and their substitutes are obliged to support their children until they reach adulthood, take care of their upbringing, education, healthy, full and all-round development. One of the most urgent issues of protecting the rights of young people and minors today is a new approach to protecting their rights and legal interests, abandoning the old views and stereotypes. Here, in this process, protecting the health of a minor, improving the environment around him, and creating sufficient conditions for his upbringing and education are of primary importance. It has been successfully implemented to date as part of "Mehr-1, 2, 3, 4, 5" operations, 531 women and children who were in dire situations in Syria, Iraq and Afghanistan were brought to Uzbekistan and provided with necessary medical and material support (Report, 2021).

Taking into account the fact that minors make up about 1/3 of the total population (12,157,063 people) (OSU, 2019) in the case of the Republic of Uzbekistan, improving the legislation on minors today, providing them with all-round support, their civil, socio-economic and property rights it becomes clear how urgent a task it is to identify the problems of ensuring their rights and to develop

the theoretical and practical basis for their elimination. Also, in our country, large-scale measures are being taken to educate the young generation in a healthy and well-rounded manner, to create the necessary conditions for realizing their creative and intellectual potential. In particular, as the legal basis of the work carried out in this field, over the past years, "On Education" (Law, 1997; Law; 1997; Law; 2008), "On the National Program of Personnel Training" , "On Guarantees of Children's Rights" , "On Prevention of Misconduct and Offenses among minors" (Law; 2010; OSPY, 2016; Law, 2017), "On Youth it is possible to cite the adoption of the laws" "On the state policy" and "On the protection of children from information harmful to their health". It should be noted that efforts aimed at protecting the rights of minors and their legal interests are being continued consistently. In particular, in the newly adopted Law of the Republic of Uzbekistan "On Education", the responsibility of parents and other legal representatives of minors for the child's education, upbringing, physical, spiritual and intellectual development has been strengthened at the legal level (Law, 2020).

However, in the context of globalization, further improvement of the legal framework aimed at protecting the rights of minors and ensuring their legal interests, year by year more and more integration into the international community, requires research on the implementation of international standards in the field of minors into national legislation. In particular, the Decree of the President of the Republic of Uzbekistan dated February 7, 2017 "On the Strategy of Actions for the Further Development of the Republic of Uzbekistan" No. PF-4947 introduces the position of the head of the department of prevention of offenses among minors and youth in internal affairs bodies, as well as ensuring the interests of youth and minors in the regions In order to fulfil the rights of minors by providing the necessary legal, psychological and medical assistance by mature and responsible specialists in the neighbourhoods (Decree, 2017).

In addition, the rights of minors to justice are not fully ensured, the issues related to improving their legal status in penal institutions have not been sufficiently researched, the rights of minors are not fully ensured in conflict situations that arise in the process of applying the current legislation, as well as the socio-economic and political rights of minors in practice, the fact that the mechanisms guaranteeing the protection of minors do not work sufficiently, the studied problems have maintained their importance for years, shows the urgency of researching the issues of protection of the rights and freedoms of minors by means of criminal law. There are more than 20 laws, about 30 presidential decrees and decisions, about 50 decisions of the Cabinet of Ministers and more than 200 regarding the legal protection of the mature generation in our country, the further improvement of the realization of the rights and legal interests of minors in political-legal and socio-economic conditions, other normative legal documents related to the field - a total of about 300 legal documents related to minors have been adopted. Also, about 10 international agreements on the rights of children and youth have been ratified.

In 2017-2021, the implementation of the tasks defined in the action strategy for the five priority directions of the development of the Republic of Uzbekistan (Decree, 2017), the training of highly qualified personnel in accordance with the requirements of the labour market, the introduction of international standards for the assessment of the quality of education, and the creation of effective mechanisms for the implementation of innovative scientific achievements in the country's education system if consistent work on reform has been carried out, the development strategy of New Uzbekistan for 2022-2026 also calls for "... improvement of state policy regarding young people, including preserving their life and health, protecting them against harmful influences and currents in the spirit of respect for national and universal values education as a person with strong faith and views on life (Decree, 2020) was determined to be continued consistently as a priority.

It should be said that in order to achieve the goal of the education of minors, the legislator threatens to use the state administrative coercion measure in Article 47 of the Code of Administrative Responsibility of the Republic of Uzbekistan. That is, then non-fulfilment of obligations to raise and educate minor children by parents or their substitutes, as a result of which minors commit an administrative offense, as well as parents' refusal to allow children to receive compulsory general secondary education, secondary special, vocational education or strengthened by setting administrative responsibility for obstruction by persons who substitute them (Code, 2017). It should be noted separately that, in addition to the above, in order to ensure the protection of the rights and

legal interests of minors, information about children deprived of parental care should not be reported to the guardianship and guardianship authority (Article 471), the requirements of legislation for the placement of children deprived of parental care Violation (Article 472), entering into actual marital relations with a person under the age of marriage (Article 473), evading the financial support of minors or persons incapable of work (Article 474), using guardianship or patronage for malicious purposes to the detriment of the person under guardianship or using it administrative responsibility is provided for leaving without control and without necessary material support (Article 48).

Most of them are offenses that cause criminal liability if they are committed repeatedly within a year, and the legislator fights against offenses against the rights and interests of minors with this tool. G. Yuldasheva, one of the prominent scholars in the field of law, shows that during the years of independence, the following basic principles of protection of the interests of minors were formed in Uzbekistan: To prevent discrimination against children defined in the Convention on the Rights of the Child and the Constitution of the Republic of Uzbekistan, to ensure the guarantees of the basic rights and interests of minors, and to restore their rights; Improving legal norms guaranteeing the rights of minors, recognizing the supremacy of the Constitution and laws; ensuring the physical, spiritual, religious and intellectual development of minors; providing all-round support to the families in which they live in order to guarantee the rights and interests of minors;

Determining the responsibility of the officials who caused the violation and restriction of the interests of minors; comprehensive support for the activities of local authorities protecting the rights and legal interests of minors 9 (Yuldasheva, 2017). In the legal documents concerning minors analyzed above, full protection of their rights and legal interests, including minors' life, preservation of individuality, freedom and privacy, health care, education, protection, protection from illegal displacement, receiving information, thinking, speech, the guarantees of freedom of conscience and religion, private property and residence, work, rest and other similar rights have been strengthened. In our opinion, in order to ensure compliance with the requirements of these legal documents, it is appropriate to make relevant amendments and additions to the MJtK of the Republic of Uzbekistan.

It should be noted that scholars have expressed different views on the concept of crimes against the family and youth. Some researchers give a brief understanding of crimes against the family and youth as a crime directed against the interests of the family and youth in general (Ryakhovskaya, 2018). However, we are in favor of its full disclosure in order to properly understand the meaning of this concept. In this regard, researcher Z.S. Ibrahimova says that a crime against the family is an intentionally committed socially dangerous act that can harm the interests of the family and the health, physical, mental, moral, and intellectual development of minors, provided for in Articles 122-126 of Chapter V of the Civil Code (actions or inaction) to be understood (Ibrahimova, 2022). In our opinion, this definition includes crimes against youth in the system of crimes against the family. When defining this concept, we believe that it is necessary to pay particular attention to the characteristics of crimes against the family and crimes against youth, and to define them in a coordinated manner.

According to K.A.Ratnikov, a crime against the family means a socially dangerous, guilty, unlawful act, and its object is, first of all, aspects such as the proper functioning of the family as a social cell and institution. It is necessary to pay special attention to the fact that these aspects may include some actions directed against minors (Ratnikov, 2022). Also, A.A. Atajonov recognized that socially dangerous acts that encroach on social relationships that ensure a normal family lifestyle, proper education and normal development of young people, and norms of social morality are considered crimes against the family, youth and morals (Kabulov, 2014).

Also from the family of scientists A.I.Tsaregorodtseva and M.S.Sirik and in the case of unlawful acts against minors, personal and property rights and obligations, moral and material integrity, mutual support, raising children, running a common household, as well as the full functioning of the family as an association of persons based on marriage or kinship, together with the full physical, mental, spiritual, moral development of minors and social danger against the interests of spiritual development stated that aggressions are understood (Tsaregorodtseva, 2015).

So, recognizing that one of the main features of the social danger of crimes against family and youth is explained by the fact that this type of act is directed against family and youth, which are the most basic institutions in society, we believe that it is appropriate to define this term as follows: "Crimes against the family and young people are crimes that lead to the violation of family relations and the rights and legal interests of young people, which are enshrined in the Constitution and legislation of the Republic of Uzbekistan, that harm the physical, mental and spiritual development of minors, and cause the violation of healthy relationships between individuals, families and society. are socially dangerous acts that are considered crimes according to the Code of Criminal Procedure". Crimes against the family and youth The special part of the CRIMINAL CODE is part of the first section called "Crimes against the person" and the 5th chapter called "Crimes against the family, youth and morals".

In this chapter, responsibility for the following crimes against families and young people is defined: evasion of material support of minors or persons incapable of work (Article 122); evading parental support (Article 123); replacing the child (Article 124); disclosure of the secret of adoption (Article 125); violation of the law on the age of marriage (Article 1251); polygamy (Article 126); involving a minor in antisocial behavior (Article 127); begging (Article 1271); having sex with a person under the age of sixteen (Article 128); having sex with a person between the ages of sixteen and eighteen years by giving material values or giving them a property interest (Article 1281); committing lewd and lascivious acts against a person under the age of sixteen (Article 129). Judging from the names of these articles and their text and content, it can be said that in these articles, relations related to family and minors are selected as a separate object.

That is, although the title of the chapter is "Crimes against the family, youth and morals", it reflects the interests of not all young people, but of young people under 18 years of age, in other words, minors. If we analyze the experience of some foreign countries in this matter, we can see that most of them have a chapter "Crimes against the family and minors". In particular, the Special Part of the Criminal Code of Kazakhstan (Criminal, 2014), Chapter 2 "Criminal offenses against the family and minors", the Special Part of the Criminal Code of the Russian Federation [24], Chapter 20 "Crimes against the Family and Minors", the Special Part of the Criminal Code of the Republic of Belarus (Criminal, 1999), Chapter 21 "Family Relations and Minors crimes against the interests of. Taking into account the above, it is appropriate to change the word "to young people" in the title of Chapter 5 of the Special Part of the Civil Code with the words "to minors".

In turn, crimes against the family and minors can be conditionally divided into the following two groups: 1) crimes against the normal moral, mental, intellectual, physical development of minors; 2) crimes against family relations formed in society. Some researchers, including Yu.E. Pudovochkin, emphasize the need to remove the word "family" from the name of the chapter and suggest naming the chapter "Crimes against the development of minors" (Pudovochkin, 2002). However, we do not agree with this opinion. Because in this chapter, there are norms related not only to relations with minors, but also to family relations. For this reason, we support the opinion that all the crimes provided for in this chapter of the Criminal Code mainly violate the interests of the minor and the interests of the family (Naumov, 2007), which is their object. Also, other researchers, including S.V. Borodin, say that this chapter is located in the section "Crimes against the person", that the general object of the crimes recorded in this section must be "the person", judging from the name of the section, it refers to attacks on certain social institutions, that is, on the family noted that it does not include (Encyclopedia, 2011).

In addition, according to V.F. Belov, crimes that are the object of an attack on the family and existing relationships between parents and children are essentially crimes against public order (Belov, 2002). In addition, other scientists have expressed opinions about the need to recognize the protection of such public relations as a priority object and reflect it in the list of tasks in Article 2 of the Civil Code (Belov, 2002). We do not agree with these views. Because, in Article 2 of the Criminal Code, the duties of the Criminal Code are to protect the individual, his rights and freedoms, the interests of society and the state, property, the natural environment, peace, and human security from criminal aggression, as well as to prevent crimes, and to educate citizens in the spirit of compliance with the Constitution and laws of the republic. Family relationships are, literally, relationships between

individuals in a small group. That is, in the case of crimes against the family, the criminal through the family relationship ultimately harms the relationships related to the person, achieves the violation of his rights and legal interests.

In this regard, we agree with the opinions of scholars that, in accordance with the Constitution, the Republic of Kazakhstan recognizes the individual as the main object of protection of his rights and freedoms (Donskaya, 2021). In conclusion, we can say that even if we look at it from another point of view, based on the axiom that the family is the smallest link of society and the state, it can be concluded that the "interests of society and the state" reflected in Article 2 of the Civil Code also cover this issue. Taking these circumstances into account, we conclude that the list of general objects provided for in Article 2 of the Criminal Code includes family relations, and the chapter "Crimes against the family, youth and morals" is correctly systematized in the first section of the Special Part of the Criminal Code called "Crimes against the person" possible. Based on the above analysis, it is proposed to change the name of the Special Part of the Criminal Code, Chapter 5, to "Family relations, minors and crimes against morals".

2. Material and Methods

3. Result and Discussion

4. Conclusion

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