

The Prevention and Punishment of Sexual Crimes Against Minors

Usmanov Saidyusuf Saydolim oğlu

Abstract: This article outlines measures to reliably protect the rights, freedoms, and legitimate interests of women and children, how to prevent sexual violence against minors, measures of accountability against minors, and rules for maintaining a register of perpetrators of sexual violence against minors.

Keywords: Reliable protection of the rights, freedoms and legitimate interests of women and children, sexual violence against minors, responsibility of minors, registration, prevention and punishment of persons who have committed sexual violence against minors.

In recent years, a number of laws and by-laws have been adopted regulating the rights of women and aimed at ensuring their rights. In order to prevent women from becoming victims of domestic violence and sexual crimes, the Law of the Republic of Uzbekistan “On Amendments and Addenda to Certain Legislative Acts of the Republic of Uzbekistan in connection with further improving the system of reliable protection of the rights, freedoms and legitimate interests of women and children” dated April 11, 2023, No. O'RQ-829 was adopted. This law establishes a number of measures against violence against them, as well as increased penalties for crimes against their sexual freedom. The reason is that in recent years, crimes of sexual violence against women and minors have begun to increase. All the cases provided for in the law fully cover the situations occurring in our society. However, the increased punishment for sexual violence against minors and women does not cover the absolute prevention of punishment. Therefore, it is necessary to develop other measures of influence or additional training systems for them. Because when we studied the crimes of sexual violence in other countries, it became clear that in rare cases, criminals followed the victims. It is also worth noting that there are cases where criminals even used their own family members to commit crimes of sexual violence. And the fact that the court takes these circumstances into account when imposing punishment on them helps to ensure justice.

At a time when sexual crimes are on the rise, their reduction and prevention are of primary importance. It is necessary to apply aggravated punishment to persons who commit crimes such as satisfying sexual needs in an unnatural way with minors, having sexual relations with a person under the age of 16, importing into the territory of the Republic of Uzbekistan pornographic products in which a minor is described or depicted, as well as preparing, distributing, advertising, involving minors in pornographic activities, engaging in complicity with a minor, and organizing brothels. Along with the application of aggravated punishment, telling them to other persons outside the investigative and judicial bodies or telling them to minors is a step towards the emergence of several new crimes. In order to prevent it, it is necessary to develop measures against it. Such measures should prevent other minors from being subjected to violence.

Based on the government's decision, it was established to maintain a register of perpetrators of sexual violence against minors in Uzbekistan, which will not only reduce but also prevent cases of violence against minors. At the same time, professionals who have committed sexual violence against minors in juvenile correctional facilities are strictly prohibited from engaging in this profession. This is a decisive step against them. It should also be noted that it was determined that persons who force minors to commit sexual violence and create conditions for it will also be punished. Because such cases are recorded and then included in the legislation. Also, persons who have committed oppression and violence against minors are prohibited from working in children's education, upbringing, health care, children's sports, and creative organizations.

The register of perpetrators of sexual violence against minors includes persons who have previously committed the following crimes:

- ✓ Indecent assault or sexual assault of a victim under the age of 18;
- ✓ Sexual intercourse with a person under the age of 18 or coercion to have sexual intercourse in connection with the satisfaction of sexual needs in an unnatural way;
- ✓ Having sexual intercourse with a person under the age of 16 or satisfying sexual desire in an unnatural way or committing obscene or depraved acts against him/her;
- ✓ Importing into Uzbekistan for the purpose of distributing, advertising, or displaying a pornographic product that describes or depicts a minor, as well as preparing, distributing, advertising, or displaying it;
- ✓ involving a minor as a performer of acts of a pornographic nature, complicity in involving a minor, establishment or maintenance of brothels;
- ✓ persons who committed terrorism.

The register is formed and maintained through a special information system. The fact that the processes related to the employment of persons included in the register are monitored based on information obtained from this information system will prevent them from committing crimes in this area, and even crimes that can lead to dire consequences.

Improving the current criminal legislation on liability for crimes against sexual freedom committed with violence against minors is one of the modern requirements. Therefore, if they require amendments to the legislation, deputies and senators must study the criminal law of foreign countries, what punishment is applied to any aggression against minors, and then introduce it into our legislation. It is also worth noting that scientific works and researchers studied in this area play a key role here. During their research, they thoroughly study the laws of other countries, and then reflect on the articles within the scope of their scientific work. Scientific research shows that in foreign countries: aggression against minors is committed by deception, persuasion, by a relative, by a guardian or sponsor, by persons replacing their parents or as a result of financial dependence, by a child's friend, neighbor, child, etc. Now our legislation should be amended to take these aspects into account, and the courts should also take these aspects into account when imposing punishment. It would also be appropriate to impose punishment taking into account the age and psychophysiological state of the accused in committing sexual crimes. Because nowadays, minors are also committing these crimes. This is due to the early awakening of sexual views in them or their awakening from others. We need to ensure that the relevant state bodies, if a person commits sexual crimes between the ages of 12 and 14, provide him with education under the supervision of a special psychologist in a boarding school for minors, and after reaching the age of 17-18, train him in a special vocational school and place him in a job. Also, in the case of a minor over 14 years of age who commits sexual crimes, if he has not reached the age of 16, it is necessary to strengthen control over him by imposing a punishment other than imprisonment for the crime committed against a minor. If a minor commits sexual assault on a minor but the reason for it is not established after a period of time, in the case of a minor who is married, the punishment should be determined depending on

the duration of the crime. If a person over 16 years of age commits sexual assault, the punishment should be determined in accordance with the duration of the crime, in the absence of circumstances of violence, with the aim of persuasion or financial dependence, against a relative, with low intentions, or with the aim of revenge, the punishment should not exceed the punishment imposed on the person who committed the rape, or long-term imprisonment should not be applied. If a minor has sexual intercourse with a minor without sexual violence, then there is a possibility that the victim will not disclose it for fear of her parents or will find out when she becomes pregnant. Also, minors commit this crime by mutual agreement and plan to have sexual intercourse with the victim. This is one of the threats that is entering our society today. Because when a minor marries, after several examinations, the circumstances are revealed and the family is not created. This has a significant impact on the natural demography of the Republic of Uzbekistan. In such cases, appropriate amendments to the legislation are required. The main task here is to provide our society with a healthy family while preserving the sexual freedom of minors.

References:

1. Constitution of the Republic of Uzbekistan - 2023.
2. Criminal Code of the Republic of Uzbekistan – 2024.
3. Law of the Republic of Uzbekistan "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with Further Improvement of the System of Reliable Protection of the Rights, Freedoms and Legitimate Interests of Women and Children" dated April 11, 2023, No. O'RQ-829.
4. Stepanova Olga Yurevna - Ugolovnaya otvetstvennost za transprespleniya protiv sexual neprikosnovennosti i sexual svobody nesovershennoletnix: sovershenstvovanie zakonodatelnoy reglamentatsii i pravoprimenenia - Dissertation, 2018- St. Petersburg.
5. <https://www.lex.uz> .