

CRIMES COMMITTED WITH THE USE OF VIOLENCE IN THE FAMILY, AND SOME ISSUES OF IMPROVING THEIR PREVENTION

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Abstract: In this article, the author highlighted some issues of improving crimes and their prevention, which are committed with the use of domestic violence. The author notes that one of the main reasons for committing crimes within the family is the insufficient mutual control of persons belonging to the category of relatives in this environment, that is, in the family, the socio-economic rights and legitimate interests of the family and its members are not subject to protection, when committing crimes related to domestic violence, it is considered that information the identity of the criminal has a higher level of latency. Therefore, in order to increase the effectiveness of the use of criminal legal means in the prevention of domestic violence in the Republic of Uzbekistan, due to the fact that the institution of the family has a centuries-old history, it has the right to be the main link of society and the protection of society and the state, the urgency of identifying problems in ensuring civil, socio-economic and property rights is justified in the prevention of domestic violence and the development of theoretical and practical foundations for their elimination. The article says that as a result of the untimely elimination of family conflicts, 14,379 violations of family relations were committed, most of which accounted for 50.5% (7264) of the contributions of the Tashkent, Bukhara, Samarkand and Ferghana regions, and, most sadly, every sixth case of suicide was committed precisely because of family disagreements, which with time remained unresolved. Proposals and descriptions of crimes committed by the author with the use of force in the family and improvements in their prevention were put forward.

Keywords: family institute, domestic violence, victimology, minor victims, aggressive personality, geoinformation map, criminogenic areas, women living in harsh conditions, protection order.

Special attention is paid to studying the problems of criminal-legal protection of the family as an object of crime, its members' rights and freedoms, legal interests, and conducting scientific analyzes on improving the mechanisms of reliable protection of the rights and legal interests of family members, especially minors, in order to achieve socio-economic stability.

<https://doi.org/10.5281/zenodo.7273949>

ISSN 2521-3261 (Online)/ ISSN 2521-3253 (Print)

<https://journalofresearch.eu/>

Based on the centuries-old history of the family institution in our country, the fact that it is the main link of society and has the right to be under the protection of society and the state, it is necessary to increase the effectiveness of the use of criminal-legal means in the prevention of domestic violence in the Republic of Uzbekistan, and to ensure civil, socio-economic and property rights in the prevention of domestic violence. It becomes clear how urgent a task it is to identify problems and develop theoretical and practical bases for their elimination.

According to statistics, in 2020, 62,081 crimes were recorded on the republican scale, with an average of 182.4 crimes per 100,000 inhabitants. In 2020, every third of the recorded murder crimes (143, 35.2%), and 192 (20.5%) of the crimes of grievous bodily harm were committed within the framework of family-marital relations.

At the same time, 14,379 violations of family-marital relations were committed due to the failure to resolve family disputes on time, and most of them, i.e. 50.5 percent (7,264), were committed in Tashkent, Bukhara, Samarkand and Fergana regions. The saddest thing is that one in six suicides are committed because of unresolved family disputes.

In 2020, 5,774 women committed 5,520 crimes due to the failure to solve the problems of women living in difficult conditions.

In particular, 14,774 women who were harassed within the family were issued “protection warrants”, of which 317 cases were brought to administrative and criminal responsibility. [1].

According to the information provided by the Ministry of Internal Affairs of the Republic of Uzbekistan, 13,658 women were victims of physical, 106 sexual, 234 economic, 18,777 mental violence and 7,174 victims of harassment. Also, it is worth noting that women suffer from harassment and violence in most cases in the family. In particular, in 2021, 34,330 of the officially recorded cases were committed in the family, 3,557 in the street, 917 in public places, 427 in workplaces, 67 in educational institutions [2].

In addition, in 2021, the total number of criminal cases related to domestic violence is 1,568. A total of 1,692 persons were brought to justice within the scope of these criminal cases. Also, 1,617 persons were recognized as victims of these crimes, 1,184 or 73% of them were women, 433 or 26% were men, 20 or 1% were minors [3].

According to the researchers, the crime of intentional homicide in most cases is the result of domestic disputes and is committed within the family [4]. If we take into account that intentional homicide is the most serious crime in the criminal law, it shows how urgent the issue of preventing domestic violence is.

Today, 40 percent of crimes against personal life and health, one out of four murders, one out of five intentional injuries, and one out of eight insults and defamations are committed in the family sphere. The opinion of the President of the Republic of Uzbekistan Sh. Mirziyoev: “The presence of unhealthy relationships in families, quarrels between parents-in-law, husband and wife, and cases of suicide among our women deeply distress me personally” [5] clearly shows how urgent the topic is.

During the years of independence, special importance was attached to carrying out fundamental reforms to protect the rights and freedoms of the family and its members by means of criminal legal means, and to guarantee that human life is the highest value, and a number of targeted measures were implemented. In particular, the institution of the “family” is registered as a constitutional norm, and the criminal law establishes criminal responsibility for specific acts as crimes against the family.

Also, in the Development Strategy of New Uzbekistan for 2022-2026, it is stated that “to create an environment of intolerance towards oppression and violence against women in the society, to ensure the rights and legal interests of women, to provide socio-legal and psychological support to women who are in a difficult social situation, their targeted support” [6] indicates that there is a need to research this area.

In the essence of the reforms implemented in our country, a person and his interests are the priority, and the role of the family, which has become an integral part of our life, is incomparable in achieving the intended goal.

The fight against any evil in the society can be rooted out only if we start from the family. After all, according to Article 63 of the Constitution of the Republic of Uzbekistan, the family is the main link of society and has the right to be under the protection of society and the state.

Article 26 of the Constitution stipulates that no one may be subjected to torture, violence, cruel or other forms of oppression degrading human dignity [7].

In a number of international human rights documents [8], the rights of a person to have all rights and freedoms, as well as the prohibition of discrimination, violence, torture or cruel, inhuman or degrading treatment and punishment have been strengthened.

Domestic violence is one of the main concepts in the field of criminal law. In this regard, M. Musaev [9] and S. Niyozovalar [10] specifically note that violence is illegal. In particular, S. Niyozova offers the following definition of the concept of violence: violence is an intentional, unlawful criminal attack on the safety of the victim, physical (energetic) or mental physical (energetic) or mental harm to his organism (organs, tissues and their physiological functions) against his will (or

against his will). causing physical or mental harm through (informational) exposure [10].

It should be said that these violences are committed almost exclusively in the family and are carried out by using physical force or psychological influence against the person's will and will. When violence is used against a person, actions against his will are carried out.

Domestic violence is characterized by the use of illegal force against a person, beating, rape, coercion, influence, domination. It can be mainly physical or mental. Mental violence is often expressed in the form of intimidation (intimidation of one person by another person into submission, showing off or dependence). Mental violence is a product of frustration and can be used to intimidate, subjugate, "against" or "educate" a person. It is manifested in the direct application of the culprit to his relatives or close people. From the point of view of criminal law, bodily injury, beating and other physical force of various degrees of severity should be considered as physical violence.

In our view, violence is a criminal activity carried out by physical force or intimidation. In this case, the rights and freedoms are violated by threatening the life and health of a person. In this case, influence should be understood as influence that is carried out against the victim's will and causes him physical or mental suffering, that is, it is considered violence.

There are several types of criminal domestic violence. Physical violence can be in the form of inflicting physical injuries on the victim, beating, using physical force, killing the victim's relatives and friends, touching his honor, etc. [12]. In this case, one member of the family commits actions such as intentionally injuring another member's life, health, or different parts of the body, and manifests itself in the following forms: slapping, kicking, pushing, punching; push with a strong blow; throwing various sharp objects and objects; endanger or injure with a weapon; physically preventing him from leaving the house; not letting you sleep at night.

Mental violence is the use of physical violence against the victim, the destruction or damage of property and the threat of disclosing information that the victim wishes to be kept secret, etc. [13]. Mental strength and physical strength are complementary to each other and can only result when one complements the other. In this case, it is manifested in the deliberate actions of one member of the family by belittling the honor and dignity of another member, affecting his psyche, making actions that dampen his feelings, threatening and insulting him, and committing words and actions that damage his psyche: not recognizing emotions and feelings; to laugh at; ignoring his feelings as a punishment; telling lies and using it for one's own benefit; fear of endangering friends and relatives and not allowing contact with them;

refusing to go out with him in public places; taking control of the family budget; disgrace among kindred clans; threatening to leave the house; refusing to help her when she is sick or pregnant, resisting receiving medical care [14].

At the root of family crime is usually internal strife between family members or strife between family members and the environment in which they live. Today, among the crimes in the family, the crimes committed against the wife (husband) and infanticide are studied in detail.

It is known that the crime of “domestic violence” does not exist in criminal law. As mentioned above, domestic violence is a socio-legal concept and a socio-legal problem.

Here, let's focus on statistical data analysis. According to the information provided by the Supreme Court of the Republic of Uzbekistan, the total number of criminal cases related to family violence considered in 2021 is 1568. A total of 1,692 persons were brought to justice within the scope of these criminal cases. Also, if 1617 persons were recognized as victims of these crimes, 1184 or 73% of them were women, 433 or 26% were men, 20 or 1% were minors [15].

According to the researchers, the crime of intentional homicide in most cases is the result of domestic quarrels and is committed within the family [4]. This means that we should also consider intentional homicide or intentional homicide in a state of intense mental excitement as crimes of domestic violence.

It should be noted that the actions expressed in domestic violence are carried out in the correct intentional form of guilt from the subjective side. It is also motivated by jealousy, revenge, and sexual superiority.

Based on the analysis, it can be said that the impact of an unhealthy environment in the family is, firstly, the origin of various disputes and disagreements in the family, secondly, the occurrence of mistakes and shortcomings in human education, thirdly, the formation of negative characteristics in the individual, fourthly, the breakdown or deterioration of social relations between family members and relatives in the family, fifth, it can lead to the breakdown of families.

The mentioned cases indicate the need to improve the system of prevention of domestic violence.

At this point, it should be said that by ensuring public safety, forming a comprehensive system of crime prevention and combating crime, establishing effective activities of internal affairs bodies from the lowest level to the republic level, and introducing modern working methods, strengthening law and order and legality in our country, peace of the population and in order to ensure peace, on March 26, 2021, the decree of the President of the Republic of Uzbekistan “On

measures to raise the activity of internal affairs bodies to a new level in terms of quality in the field of ensuring public safety and fighting crime” was adopted [4].

This Decree defines the task of creating a modern image of the employees of the internal affairs bodies, increasing their responsibility and professional potential, forming the necessary skills to fight against new forms of crime, and achieving full digitization of the sector.

It should be noted that although the Decision of the President of the Republic of Uzbekistan No. PD-4075 of December 24, 2018, the creation of electronic geo-information maps of districts (cities) where crimes are reflected in neighborhoods by prosecutor’s offices together with internal affairs bodies, the center of Jizzakh region and districts electronic geo-informational maps of neighborhoods have not been created in most places. In our opinion, it is appropriate to create electronic geo-informational maps of districts (cities) where crimes, especially crimes committed within the framework of family, are reflected in all neighborhoods of the Jizzakh region in order to organize and coordinate the activities of crime prevention within the framework of family-marriage relations.

In some countries of the world, various measures have been taken to protect against domestic violence due to quarantine.

In particular, it was reported that in France, due to the quarantine, it increased by an average of 35%. The French government has asked women to contact pharmacies in cases of violence. 20 violence counseling centers have been opened in grocery stores across the country. Also, the government allocated 1 million euros for the fight against family violence. He said that the hotel expenses will be covered for the victims to stay in hotels. A separate SMS service has been established for victims to send SMS messages.

The Italian government has introduced a mobile program "YouPol" that helps victims. This program is designed to help victims without calling.

The Canadian Parliament allocated 200 million US dollars for all shelters in the country. It has committed \$2.7 million to support victims of violence and other crimes in Ontario during the pandemic.

The UK government has allocated £1.6 billion to victims and those in need. The UK Home Office launched a campaign to support victims of violence with the hashtag #YouAreNotAlone on Twitter.

In Spain, the government launched a support service for victims on the WhatsApp social network. According to the Minister of Gender Equality, the number of applications increased by 270% after the service was launched.

The Mascarilla-19 campaign was launched in the Canary Islands. In this case, victims of violence go to the pharmacy and ask for “mask-19”. “A pharmacist who

heard the word “Mask-19” immediately reported to the police. This experience was later implemented in other regions.

It should be noted here that the same experience was introduced in our country. This “Ask For Umida” project is an adaptation of the “Ask For Angela” social initiative that appeared in Great Britain in 2016.

It was created and launched by sexual assault worker Hayley Child in memory of her friend Angela, 34, who was murdered by her husband in her home. At that time, local bar toilets were posted with leaflets with a message for women: if a man bothers you during a date, go to the barman and “call For Angela”. This phrase is a way of asking for help. Hearing her, the bartender acts according to protocol: he can take the woman to a safe room, escort her to the emergency exit, or, if necessary, call the police [11].

It is known that in our country, if a person faces violence in the family, when his life is in danger, he first reports to the short number 102 of the internal affairs system. However, the 102 system, which is used in the activities of the internal affairs bodies, is outdated, it systematically works with technical interruptions when receiving appeals, and it takes a lot of time to fill in and send information. For information, it should be said that on average 20-50 messages are received per day. It takes 5 minutes to receive and send one application, 30 minutes to complete or summarize data, and several days to summarize data.

In the 102 system, appeals are received only by telephone, alternative forms of appeal are not used. In particular, people with disabilities (speech, sight and hearing) are not given the opportunity to report a crime.

This prevents timely reporting of domestic violence to law enforcement agencies in urgent cases. On May 21, 2021, in one of the apartments on Nukus Street, family members B. and M. inflicted physical injuries on V., who is disabled (deaf-mute). In the evening, the victim stopped an ambulance passing by the street, and with his hand movements informed that he needed the help of a medical and law enforcement agency.

From this point of view, improvement of the activity of “102 emergency call service”, including the use of alternative variants of the call, introduction of the “Neighbor control” system based on foreign experience, development of a system of material and moral incentives for the representatives of the population who actively support the fight against domestic violence and its prevention fit for purpose.

Currently, Telegram and Facebook are the most convenient tools for exchanging information and information between prevention inspectors and the population. However, the fact that the official pages of the local internal affairs bodies on Telegram and Facebook social networks have not been opened does not

allow quick messages about the fight against and prevention of crime to reach a wide audience.

Also, in order to prevent domestic violence, to ensure a stable environment in families, to increase the legal literacy of population representatives, to work with women headed by the head of the neighborhood, and to prevent harassment and violence against them, a commission was established to prevent divorce in turbulent families in the future; it is appropriate to guarantee the legal, social and psychological protection of women affected in neighborhoods by working with women and through the activities of the commission to prevent oppression and violence against them.

As mentioned above, the crime of intentional homicide in most cases is the result of domestic quarrels and is committed within the family. Based on this point of view, when referring to the theory of criminal law, it can be observed that the stages of committing a crime differ. Among them, assassination means that criminal aggression is initiated, but not completed, depending on the will of the person who commits the crime or not.

According to the above-mentioned, not only the beginning of criminal aggression, but also the definition of aggression as the most serious crime in our General Dictionary serves to protect human rights and freedoms, in particular, the right to life.

According to this aspect, it is appropriate to change the sentence “**Assassination** of human life is the most serious crime” in Article 24 of the Constitution of the Republic of Uzbekistan as follows:

“**Article 24.** The right to life is an inherent right of every human being. Encroachment on human life is the worst crime”.

The proposals and recommendations offered within the framework of this research are aimed at improving the mechanisms of criminal-legal protection of the family as an object of crime, the rights and freedoms of its members, and the reliable protection of the rights and legal interests of minors in the family, in turn, increasing the effectiveness of the use of criminal-legal tools in the prevention of domestic violence in the Republic of Uzbekistan. , in the prevention of family violence, it serves to identify and eliminate problems related to the provision of civil, socio-economic and property rights.

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