

ANALYSIS OF INTERNATIONAL LEGAL NORMS ESTABLISHING LIABILITY FOR CERTAIN OFFENSES AGAINST MORALITY, SUCH AS MAINTAINING A BROTHEL OR ENGAGING IN PROSTITUTION

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One of the most important directions in the current stage of democratic renewal in our country is to strengthen the rule of law and legality, consistently democratize and liberalize the judicial and legal system aimed at reliably protecting the rights and interests of individuals. In a nutshell, further improving the foundations of a legal state and raising the legal awareness and culture of the population remain decisive tasks for us. Despite the existence and diversity of state borders, the interconnections between countries within a single international community are growing. International relations have a significant impact not only on the lives of states but also on each individual. The initial steps to combat maintaining brothels or pimping were taken in the late 19th century. Efforts to combat the exploitation of women and children for prostitution purposes began in the form of bilateral agreements (e.g., between Germany and the Netherlands in 1889, and between Germany and Austria in 1990). These issues were later discussed at the 1889 International Congress in London and the 1902 Conference in Paris, leading to the adoption of International Conventions on curbing the trafficking of women and children (1910, 1921, and 1933).

The Convention explicitly designated the following acts as criminally punishable:

- Forcing another person into prostitution to satisfy the desires of a third party, even with that person's consent, or committing debauchery or assault on honor (Article 1, Part 1);
- Exploiting another person's prostitution to satisfy the desires of a third party, even with that person's consent (Article 1, Part 2);
- Maintaining or managing a brothel or intentionally providing financial support to a prostitute (Article 2, Part 1);
- Knowingly leasing or renting a building or part thereof to third parties for use in prostitution (Article 2, Part 2).

In addition to these acts, attempts to commit such acts, preparatory actions, and intentional participation in their commission are also subject to criminal prosecution.

International legal norms are considered generally binding rules governing the relations of states and other entities. The specific nature and system of international legal norms depend on their structure. Many norms consist solely of a disposition, while sanctions are established based on the system. Specific sanction norms are stipulated in separate agreements for cases of legal violations.

- Studies show that the majority of juvenile offenders are typically older youths from families with poor material conditions. An analysis of juvenile offenders revealed that 79.8% come from families with good material conditions but lack proper upbringing, are often from small families, and are influenced by negative family circumstances. In cases where juveniles and adults jointly commit crimes without signs of adults enticing or involving juveniles in criminal activity, and the act is committed by a person who has committed crimes outlined in Article 137 of the Criminal Code, such actions should be qualified under Part 2 of Article 131 of the Criminal Code.
- If the analyzed crime involves the involvement of juveniles, is committed repeatedly, by a dangerous recidivist, or by a person previously convicted of crimes under Articles 135 or 137 of the Criminal Code, such actions should be qualified under Part 1 of Article 131. If maintaining a brothel or pimping involves a juvenile, the act is qualified under Part 2 of Article 131 of the Criminal Code.

Methods of involving individuals in prostitution vary:

- **Persuasion:** Convincing a person of the necessity of engaging in prostitution;
- **Bribery:** Enticing a person into prostitution through promises of material gain or relief from financial obligations;
- **Blackmail:** Threatening to disclose compromising information or engaging in extortion;
- **Deception:** Misleading the victim about the true intentions of the perpetrator.

A person who directly commits or fully participates in maintaining a brothel or pimping, or uses persons exempt from liability under the Criminal Code or other means to commit the analyzed crime, is considered the perpetrator of maintaining a brothel or pimping. A person who prepares for or directs the commission of such a crime is deemed the organizer, while a person who incites another to commit the act specified in Article 131 of the Criminal Code through persuasion, bribery, threats, or other methods is considered an instigator.

Legal decisions related to prostitution-related crimes should primarily rely on an individualized approach to the perpetrators, particularly women involved in such crimes and those exploiting prostitution. This approach, firstly, allows for a more comprehensive characterization of these individuals in terms of evidence and proof in the criminal process, and secondly, serves as a necessary condition for considering the psychological characteristics of individuals when implementing individual preventive measures.

We believe it is necessary to conduct mandatory sexological examinations, alongside judicial psychiatric and psychological-psychiatric examinations, for women offenders and prostitutes subject to criminal liability.

Today, the implementation of government decisions has been ensured, and 2,000 inspector-psychologist positions have been established proportionally across regions within the Ministry of Internal Affairs system. The Ministry of Public Education has allocated service rooms in general education schools for these inspector-psychologists dealing with juvenile issues. To effectively organize their activities, the Minister of Internal Affairs approved a temporary regulation on “Organizing the Activities of Units of Internal Affairs Bodies Dealing with Juvenile Issues,” which outlines the mechanism for their operations.

Based on the regulation, the main tasks of these units include:

- Comprehensive and systematic analysis of information on the criminogenic situation among juveniles;
- Assessing the effectiveness of using available resources;
- Identifying and eliminating the causes and conditions leading to juvenile delinquency;
- Improving the psychological environment in general education institutions for each student;
- Fostering a sense of intolerance toward violations among juveniles;
- Conducting targeted work with problematic students at their places of residence with parental involvement;
- Reviewing complaints related to violations of the rights, freedoms, and legitimate interests of juveniles, their parents, or guardians;
- Proposing measures to relevant authorities or bodies directly involved in juvenile delinquency prevention;
- Preparing necessary documents and taking measures to place juveniles in centers, specialized educational institutions, or educational-reformatory institutions;
- Organizing preventive measures with parents or guardians who fail to fulfill their obligations in raising, educating, or supporting juveniles, or who negatively influence their behavior or treat them cruelly, and taking measures to protect juveniles’ rights.

Currently, crimes related to prostitution, particularly those involving recruitment into prostitution and organizing prostitution, are of particular importance. Over the past few years, the quantity and quality of these crimes have been changing, characterized by an intensification of negative trends, including:

- High levels of organization and professionalization in recruiting and organizing prostitution;
- Increased rigidity in recruitment methods;
- A rise in the number of juveniles involved in prostitution and those recruited into it.

One of the main conditions encouraging criminal behavior that exploits prostitution is the sexual immorality occurring in our society, particularly among youth. A clear indicator of sexual demoralization is the immorality in people's relationships and actions.

The negative impact of examples of sexual prostitution, disrespectful attitudes toward women, encouragement of incorrect views and habits regarding sexual behavior among the population, and incitement by adults or corrupt peers—all these are becoming increasingly dangerous in our time and have a widespread impact. Sexual demoralization has a particular impact on the involvement of children and juveniles in prostitution. The cause of such demoralization may be criminal assaults on the sexual integrity of juveniles. Victims of such crimes often later engage in sexual activities within antisocial groups, become active participants, regularly consume alcohol and drugs, and engage in criminal activities, sexual depravity, and prostitution.

Mass media significantly contribute to the sexual demoralization of the population. Various media outlets are filled with materials introducing readers to the establishment and operations of entertainment industry institutions—saunas, massage parlors, salons, and others—under which brothels are often disguised.

An institutional factor in maintaining prostitution and participating in its networks is pornography. The lack of censorship of materials published by mass media greatly contributes to the spread of pornography.

Factors contributing to the widespread prevalence of prostitution among juveniles include growing social and material inequality among youth and the rapidly established myth about the prestige of prostitution. Incentives for engaging in prostitution may include curiosity, imitation, a desire for self-assertion, rebellion, aspirations for a beautiful and prosperous life, temptation, and sexual desire.

Engaging in prostitution from a young age, as a rule, encourages youth to start smoking, consuming alcohol, drugs, and toxic substances, and engaging in various illegal activities (theft, hooliganism), sometimes alongside crimes. Youth involved in prostitution become distanced from socially beneficial activities and adopt improper relationships. Many suffer from sexually transmitted diseases, neuroses, and serious somatic and mental illnesses.

In the 21st century, it is evident that the most complex global problems, including those negatively impacting every individual's life, can only be addressed by changing people's behavior and developing life skills. These measures, when introduced at the early stages of shaping an individual, particularly among youth, can lead to effective results.

Youth issues are studied in the context of society as a whole, its main characteristics, structural changes, and transformations, and as a distinct social group with unique traits and characteristics.

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