

The General Social Measures Of Preventing Crimes By Using Violence Against Minors In The Family

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Annotation: In this scientific article a comprehensive analysis and research is provided on general social measures to prevent crimes by using violence against minors in the family.

Keywords: juvenile, crime, responsibility, code, using violence, against juveniles, fight against crime, alcoholism, drug addiction, interpersonal and sexual relations

1. INTRODUCTION

The issue of preventing crime by influencing the family is not an abstraction. The reality of this important, socially important activity is ensured by a number of subjects [1]. They are currently taking such preventive measures and this task may continue to be assigned to them in the future.

Subjects carrying out criminological correction (correction) of family relations can be divided into: those organized at different levels of government (republican, local), as well as those initiated by private initiative.

The first group includes the Women's Committee of the Republic of Uzbekistan, the Ministry of Labor and Social Protection of the Republic of Uzbekistan, and others.

The main activities of crime prevention through influence on the family are aimed at the prevention of juvenile delinquency: it's carried out by the Commission on Juvenile Affairs under the Cabinet of Ministers of the Republic of Uzbekistan; The Main Directorate for Crime Prevention of the Ministry of Internal Affairs of the Republic of Uzbekistan, and so on.

In our opinion, it is expedient to study the experience of special services in foreign countries where adapted to prevent domestic violence, and the training of relevant specialists [2], and apply their experience in the work of our law enforcement agencies.

2. METHODS AND RESULTS

The prevention of sexual crimes against children in the family is more specific and complex than the prevention of other types of crimes. The internal content and essence of this type of crime is always associated with deep experiences and interpersonal relationships that are not clearly visible. Currently, the problem of violence against children in the family is one of the factors that increase the level of social instability and criminality in society.

People who have been mental injured in childhood and are unable to receive the care that is expected and should be provided by adults often suffer from neurosis, alcoholism, drug addiction, disorders in interpersonal and sexual relations. The fact that a parent was abused as a child, sexually or physically abused by relatives, increases the likelihood of them to be cruel and abuse their children several times.

All this shows that the prevention of these crimes is of great importance for society and every child. This view also is supported by the results of our study, in particular, 14% of those convicted of sexual offenses against minors in the family were abused by their parents, and 57% were sexually assaulted.

In criminology, the problem of crime prevention is one of the most studied issues, a general theory of crime prevention is developed, the main methodological issues are studied, and important basic rules are described [3].

Along with the terms "prevention" and "prophylaxis" are used in the scientific literature, as well as in the activities of practitioners, the terms "prevention" and "stopping" are also used. These terms are sometimes used interchangeably and sometimes in different contexts [4].

It is important not only theoretically but also practically to define the basic concepts of crime prevention, as facilitates to determine the share of one or another type of prevention, their relationship, capacity and effectiveness, as well as to limit parallelism and recurrence, the adoption of regulatory decisions in the fight against crime and the thematic definition of tasks in their implementation [5].

V.N.Kudryavtsev argues that prevention should be applied to certain contingents and groups, where there are conflicts and negative events, and to individuals - individual education and warning measures [6]. N.S.Sartaeva believes that the concepts of crime prophylaxis, their prevention and cessation are equally important, essentially the same [7]. V.F.Pirozhkov also notes that the concepts of "crime prevention", "criminality prevention", "cessation of crime", if they are widely analyzed, are semantically appropriate [8].

G.A.Avanesov emphasizes that the above terms do not exclude each other, there are many similarities between them, regardless of differences [9]. According to Yu.M.Antonyan and G.A.Avanesov, "fight against criminality" is a broader concept than the other terms mentioned above, which includes all measures taken by the state and the public to protect the interests of society from criminal encroachment. This concept includes the collection of all measures ranging from the development and improvement of criminal law, its application to the strengthening of the results of moral correction and education of offenders.

The concepts of "fight against crime" and "crime prevention" are inextricably linked. Therefore, in theory, distinguishing them makes great difficulties, but it is not only possible, but necessary to understand each of the indicated features. The concept of "fight against offense" is broader than the concept of "fight against crime".

G.A.Avanesov believes that the terms "prevention", "prophylaxis", "stop" can be used as synonymous terms only if certain concepts are not described in detail. Since the fight against crime is a multifaceted activity, it is impossible to understand the complexity and specificity of these areas of struggle, to equate the meaning of these terms, to consider them the same.

"Crime prophylaxis" is an integral part of crime prevention activities. It envisages the consistent identification and elimination of the causes of crime and the conditions that enable it, their individual groups and types of crime.

These concepts can be interpreted both broadly and narrowly. In the broadest sense, prophylaxis is the activity of preventing the commission of certain crimes, protecting members of society from crime, preventing violations of the rule of law.

In the narrow sense, prophylaxis should be understood as the activity of identifying and eliminating the causes of crimes, the conditions under which they occur, the identification of individuals whose behavior indicates the possibility of committing a crime [10].

G.A. Lekar crime prophylaxis (identification and elimination of the causes of crime and factors contributing to their commission), prevention (identification of persons who intend to commit a crime and take measures against them in order to prevent the implementation of this intention) and cessation (Identification of persons preparing to commit a crime and taking measures against them in order to prevent the act of preparation from becoming an assassination to commit a crime and the assassination from becoming a completed crime) [11].

According to Professors Z.S.Zaripov and K.Mirzajanov, "not only pure preventive activities, but also activities aimed at preventing planned or prepared or initiated aggression are also the object of regulation of prevention" [12].

In our view, crime prevention is a main branch of anti-crime activity because it provides an opportunity to influence the causes of crime. The importance of prevention is especially evident when it comes to the prevention of sexual crimes against minors in the family.

In the classification proposed by A.G. Lekar, the measures of prevention and cessation, warning of crimes may not apply to the whole crime, to individuals or groups of crimes, but only to certain crimes, that is, it applies at the level of individual criminal behavior. At the individual level, crime prevention includes prophylaxis, prevention, and cessation. The first stage of warning activities aimed at preventing the commission of a crime by a particular person is prophylaxis [13]. Individual prevention involves the elimination of factors that have a detrimental effect on the person or the creation of a situation that provides the necessary determination to form the behavior of the person, to identify and eliminate specific sources of harmful effects. All of this is an activity to identify and eliminate the causes of criminal behavior [14].

Crime prevention is the prevention of planned crimes by taking the necessary measures to identify those who intend to commit them [15].

The cessation of crime is the creation of various measures, including criminal law, in order to prevent the continuation of the planned crime, as well as the creation of a situation that prevents the implementation of future criminal activities [16].

Individual crime prevention is of paramount importance, as it is aimed at preventing crime by creating favorable living conditions for people and changing the characteristics of the individual that can lead to the commission of a particular crime. In our view, changes in family living conditions are especially important in the prevention of sexual assault against minors, but we must also keep in mind that perverted sexual inclinations sometimes do not depend on the living conditions of the family or any of its members.

In the criminological literature, the classification of preventive measures according to their purpose is divided into general and special crime prevention measures, which are divided into common social, special-criminological and individual measures against specific individuals.

It is known that common social measures do not directly aim to prevent crime, and they are intended for the long term. In practice, the general social methods of prevention form a

system of consistent activities of all subjects of prevention aimed at solving major social, economic and other problems in society, reducing conflicts in social relations. For example, the financial well-being of families raising minors is a product of the implementation of general preventive measures.

There are different approaches to the issue of classifying methods of general prophylactic impact on crime. In particular, A.S.Shapochnikov, A.B.Sakharov and A.R.Ratinov divided them into socio-ideological and legal preventive measures [17]. K.E.Igoshev noted the economic, socio-political, state-legal, socio-psychological and cultural-educational methods of general prevention [18]. We believe that K.E.Igoshev's classification is more accurate, because socio-psychological and cultural-educational preventive measures are more effective in preventing sexual crimes against minors in the family.

It is known that the economy is the basis of society, and changes in it affect all processes in society. Therefore, the further stabilization of economic relations in the Republic, the increase in production is one of the main directions in the general prevention of crime in general and sexual crimes in particular in the family.

After all, the solution of these tasks will allow the state to direct more funds to the social sphere, the poor, population in need of financial assistance.

It also helps to reduce the division of the population into sharp strata according to the level of income, to ensure the real minimum subsistence level to live. Improving the economic situation of the family provides an opportunity to enhance its culture, including the culture of family relationships. The growth of the family's economic well-being also means the improvement of living conditions, that is, the end of parents living with children in the same room.

The organization of state support and assistance to the family, the establishment of a relationship of trust between them is important in the general prevention of sexual crimes against children and adolescents [19].

In the criminological works a comprehensive analysis of the criminogenic role of the family, including adverse events such as parental indifference to children's upbringing and behavior, inability or unwillingness to raise them, ignorance of adolescent psychology, the criminogenic role of the incomplete family, parental conflict, and parental conflict have been reported [20].

The negative effects of the family on a person during childhood and adolescence can be felt many years later when he comes to terms with a certain life situation. This is, so to speak, the problem of 2 criminogenic effects on the family of unstable parent in the future.

The main task of the family is to perform the function of social control, to bring up a harmoniously developed generation and a perfect person, to form the positive qualities of its members, human individuality [21].

Unlike other social institutions, the family, as a necessary element of the long-lasting process of socialization, is able to influence all characteristics and aspects of an individual throughout his life. The positive social and economic processes taking place in our country as a result of reforms are aimed at improving the welfare of the family as a social institution, consistent and reliable protection of children's lives and health, their intellectual and spiritual development.

The role of the family in the prevention of sexual offenses against minors is a much more complex issue. If these children are a family of alcoholics or people who are completely

neglected with alcoholism, it is impossible for this family to prevent crime, to raise a harmoniously developed generation.

At the same time, the number of low-income families with declining incomes is decreased. The complex emotional relationships in such families lead to family breakdown, children's leaving home, neglect to children, and increased lack of control.

The problem of social orphan hood is also acute, thousands of children are being raised in various governmental institutions, about 60% of their parents alive, who are either deprived of their parental rights or in prisons. The parents of foster children in orphanages in Uzbekistan are alive and young people with the ability to work relatively.

It is obvious that stopping the growth of crime and then ensuring its reduction requires, firstly, the improvement of social living conditions of the population, and secondly, the normalization of people's morals and needs, the restoration of their mental health and positive emotional state. These measures are aimed at promoting the interests of the child and the normal process of socialization of the younger generation, including his sexual health.

In Uzbekistan, scientists and practitioners widely support the idea of creating a coherent system of family education, but this system does not include elements of the formation of sexual culture, and we believe that this system should include measures for the formation and implementation of sexual culture in children. The special attention should be paid to the issues of social control on the educational process in the family, strengthening the family's cooperation with civil society and government institutions, the creation of effective moral values in domestic and consumer relations [22]. General social prevention measures are also provided for in the state programs to combat crime, as well as social protection of population.

The opportunities of the media should be used more extensively in the prevention of the crimes under investigation, as they can alleviate the complex, negative situation in the family. The mass media create the basis for the establishment of sharp relations in some families, the strengthening of relation between the family and society, the formation of public opinion on issues of family life [23]. General social preventive measures should provide an educational impact on all members of society, a culture of family communication, an end to all forms of domestic violence, health care, early sexual intercourse, prevention of sexually transmitted diseases, spread the sexual education aimed to protection of reproductive health to all layers of population and implementation [24]. The complexity, systematization and continuity of the preventive effect should be ensured, taking into account the mental and physical characteristics relating to the age.

3. DISCUSSION

Sex education involves a holistic and harmonious process, such as a person's subjective knowledge, his development as a person, and individual upbringing [25]. The main purpose of education is to form the ability of consciously managing the satisfaction of personal needs in the individual. The main difference between man and an animal is that he is able to control his instincts with the help of his mind. Only human beings can consistently develop their needs. After all, "a person who is accustomed to eating food with the help of kitchen utensils, rather than with hand, feels a deeper and more tender feeling of love for another person, and treats another person more politely, including during sexual intercourse" [26]. By the time the period of sexual maturity in which sexual desire arises in man, he or she will be able (or not) to control his or her vital needs, as well as to control his or her sexual behavior, depending on whether he or she has been brought up (or not). That is, the upbringing of a harmoniously

developed, highly moral, cultured person should begin at birth. Works on family psychology problems should be published more widely. The literatures on sex education for a wide reader should be written in clear and understandable language and sold at relatively low prices. Educational institutions, mass media, creative associations and unions, institutions dealing with economics, pedagogy, psychology, sexology and social adaptation of people should be actively involved in this. Because some parents, who have to raise a harmoniously developed generation, have a very low level of gender relations and sexual culture.

Taking into account the nature of juvenile delinquency in family, the network of preventive care facilities for victims of sexual perversion should be expanded, and it is advisable to improve the quality of psychiatric care in these facilities, to make people aware of the need to consult psychiatrists and sexopathologists in case of any difficulties and to provide these services free of charge. People with sexual dysfunction should also be able to get the help they need in a timely manner. Only in this way we can hope to reduce the level of crime under consideration [27].

The fight against alcoholism and drug addiction is an important area of general prevention, as alcohol or drug abuse reduces a person's ability to control their actions and, consequently, this will be reason to increase their likelihood of committing a crime.

In the policy of combating alcoholism and drug addiction, special attention should be paid to its spiritual and educational direction. Measures in this area should be aimed not only at people with this disease, but also at their families, relatives, and families with children in general. This approach, which has been found to be unsustainable, also allows for the early use of opportunities to have a positive impact on any family, including early prevention of family drug or alcohol abuse. At the general social level, such educational work can be carried out by government agencies, special medical institutions, institutions and organizations engaged in mass propaganda, public organizations fighting for a healthy lifestyle.

Religion and religious education can also play an important role in preventing sexual crimes in the family, especially against minors. The long-standing struggle against religion in our country has also contributed to the increase in cases of domestic violence in the family [28]. However, religion is not just a belief in God, but a way of life, a set of moral rules, principles and norms that have stood the test of centuries of human history. At the same time, religious psychology and morality have always served to regulate the social and interpersonal relations.

In our opinion, the state policy in this area should be aimed at creating a wide network of institutions for social research of families and children, specialized counseling services, centers for socio-psychological adaptation, for which the state should allocate special funds to support families.

In recent years, in our country, special attention is paid to the problems of comprehensive education of children, and their health. According to some reports, the situation in this area is getting worse every year. The amount of funds allocated from the budget for children's pre-school education and medical institutions, schools is significantly increasing. However, children have limited opportunities to relax in clubs, sports sections, circles, wellness centers and camps, as most of these facilities are paid.

All this requires more attention from the state and the public to ensure that minors live a decent life in accordance with the Constitution of the Republic of Uzbekistan. However, children, especially those who have been sexually assaulted in the family or who have fled their homes, are in dire need of government assistance.

Today, there are dozens of institutions providing social services to families and children in Uzbekistan, including centers for social, psychological and telephone emergency care for families and children (Republican Center for Social Adaptation of Children). Centers directly involved in providing social assistance to a child in need provide assistance to the family when needed, but unless the problem is addressed at the state level, the carried measures will not yield the expected results.

Currently, the Department of Family, Women and Children's Affairs of the Ministry of Labor and Social Welfare of the Republic of Uzbekistan is working effectively. The government has tasked the department with formulating and implementing programs to improve the situation of families, women and children. It was instructed to form the state social protection of the family and train personnel for this work, to improve the existing legislation on the protection of family rights, to make proposals on ensuring the social rights of women and children, to coordinate the activities of non-governmental, non commercial organizations which deal with family problems. The establishment of a family affairs department in the social protection system is undoubtedly a positive development, as it develops a network of institutions that provide services to families, as well as has a budget to finance family, women's and children's programs.

The solution of criminological tasks of prevention at the level of public events is enshrined in law. The Bill of Human Rights which include the Universal Declaration of Human Rights (UN General Assembly Resolution 217A (III)), International Covenants on Civil and Political Rights, as well as economic, social and cultural rights (General Assembly Resolution 2200A (XXI), appendix), lists basic human rights, including the general rights of victims of domestic violence. Such general protection is also provided for in accordance with the Convention on the Rights of the Child (General Assembly Resolution 44/25, appendix), the Declaration on Basic Principles of Justice for Victims of Crimes and Abuse of Power (General Assembly Resolution 40/34, appendix), and other international documents.

We believe that it is time to implement these general rules, which are implemented within the framework of the United Nations, in our national laws to establish certain rights of children to live without violence in the family.

The Sixth United Nations Congress on Crime Prevention and Dealing with Offenders adopted a resolution on the issue of domestic violence, and was approved by the General Assembly in 1985 with its Resolution 40/36. This resolution is the first resolution of the General Assembly specifically devoted to the issue of domestic violence. In it, the General Assembly called on UN member states to conduct more in-depth criminological research to develop a strategy to address the problem.

In 1990, on the recommendation of the Eighth Congress of the General Assembly, Resolution 45/114 was adopted, and called on member states to develop and implement appropriate policies, measures and strategies within and outside criminal justice to address the problem of domestic violence.

The legal basis for the prevention of sexual crimes against children in the family is contained in the civil, family, criminal and other laws of the Republic of Uzbekistan, and they are aimed at protecting the rights and sexual integrity of children.

Rules of the Constitution of the Republic of Uzbekistan on protection of family, motherhood and childhood, the decisions "On the state program" Mother and Child "[29], "on the state program "Healthy generation"[30], "On Additional Measures to Strengthen the Health of Women and the Young Generation"[31] adopted on February 5, 2001 by the Cabinet of Ministers of the Republic of Uzbekistan can be added to these norms.

Conceptual basis and specific directions for addressing tasks of the prevention of sexual crimes against children in the family are reflected in a number of documents approved by the President and the Government of the Republic of Uzbekistan. Among them are the Law of the Republic of Uzbekistan "On Guarantees of the Rights of the Child" adopted on January 7, 2008 [32], the Decree of the President of the Republic of Uzbekistan "On strengthening targeted assistance to the socially disadvantaged segments of the population" dated January 25, 2002 [33], The resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On the establishment of the Republican Scientific and Pedagogical Center" Family "" of February 2, 1998 [34] should be separately noted.

The state program "Development of social services for families and children", which provides for comprehensive measures for the social and economic protection of children, has been developed and is being implemented.

According to Article 67 of the Family Code of the Republic of Uzbekistan, the child has the right of protection of his rights and legitimate interests, as well as protection from abuse by parents. According to the third part of this article, a child recognized as having full legal capacity is given the opportunity to implement the right of protection independently, and Article 73 stipulates that parents are responsible for the upbringing and development of their children. They must take care of the health, physical, mental and moral development of their children. The norms of the Civil Code of the Republic of Uzbekistan provide for the restriction of the legal capacity of parents who abuse alcohol or drugs and deprive such persons of parental rights.

4. CONCLUSION

In our view, deprivation of parental rights is not sufficient to prevent sexual crimes committed in the family against minors. In prevention these acts, scholars support the view that the religious worldview of the population, especially Islam, is a deterrent factor to crime [35]. If we take into account that more than 60% of the population of the country believe in Islam, there is no doubt that it has a positive effect on the fear of violating the norms of Shariat law, as well as having a moral character, and on the prevention of sexual crimes in the family.

Due to the high latency of sexual crimes committed in the family, the Criminal Code of the Republic of Uzbekistan criminalizes sexual intercourse with a person under the age of sixteen (Article 128 of the Criminal Code) and obscene acts against a person under the age of sixteen (Article 129 of the Criminal Code), in our view, the criminal and legal immunity of minors ensures the effectiveness of their normal physical and moral development. The changes to Articles 128 and 129 of the Criminal Code do not contradict international norms, and the Criminal Laws of Western Europe and the Baltic States prohibit sexual intercourse with a person under the age of 16, and if the child is dependent on an adult, the age is raised to 18-21.

In 2006, about 2.5 million children in the Russian Federation were victims of violence and sexual assault [35]. In criminology, in predicting the level and dynamics of certain types of crimes, it is necessary to pay attention to the state of these crimes in neighboring countries and around the world. Therefore, it confirms our opinion about the amount of sexual crimes committed against children in the CIS countries, especially in the family, which is a part of them, is correct.

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