



CHARACTERISTICS OF ORGANIZING VICTIMOLOGICAL PREVENTION OF CRIMES AGAINST SEXUAL FREEDOM

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Abstract. The article presents the results of studying the concept and structure of crimes against sexual inviolability and sexual freedom of the individual. It also includes statistical data on these crimes in the Republic of Uzbekistan and foreign countries. The article examines qualification aspects, problematic situations encountered in practice, and ways to address them.

Keywords: criminal law, criminology, crime, sexual crimes, sexual inviolability, sexual freedom of the individual.

Abstract. The article presents the results of studying the concept and structure of crimes against sexual inviolability and sexual freedom of the individual. Statistical data on these crimes in the Republic of Uzbekistan, as well as foreign countries, are also included. Qualification aspects, problematic situations encountered in practice, and ways to address them are considered.

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Criminological and victimological research has done much to outline a range of problems, the importance of which is determined both by the need to strengthen the fight against crime and by the task of ensuring the personal safety of citizens. These include studies on the influence of the "victimity" factor on the commission of crimes, as well as research on a more global issue: the victimization of modern society. This also encompasses: developing criteria for various classifications and typologies of crime victims, identifying specifically victimological scientific research tools, defining the main scientific victimological categories such as "injured party," "victim," and "harm," highlighting a distinctly victimological perspective in crime prevention and prophylaxis issues, addressing the problem of victimological statistics, and so on.^[1]

It is no coincidence that even Margaret Thatcher once remarked that a humane attitude should be shown primarily not to criminals, but to their potential victims. Therefore, doctrinal research on the legislative definition of the victim, which would more effectively fulfill the function of legal crime prevention, continues to be relevant. This includes both clarifying the legal status of certain groups of victims and expanding the range of persons who can be recognized as victims of a crime, among other aspects. The position of legal scholars who advocate for a certain reorientation of crime-fighting policy towards strengthening the protection of rights and interests of crime victims beyond the criminal process is also productive. This includes, in particular, the legislative establishment of measures for social, medical, psychological, and other forms of assistance to crime victims.^[2]

Secondly, further development of the typology of crime victims is required. Currently, the criterion of potential victims' victimization is being put forward as one of the primary

factors in existing typologies. At the same time, there is a pressing need to create a typology that would utilize a comprehensive indicator, taking into account the vulnerability of potential and actual victims to the harmful effects of the crime and its consequences. In this sense, research work on identifying individual typological characteristics of victims and creating their classifications is relevant. The complexity and relevance of such work stem from its inherently multifactorial nature, with the scope and content of significant factors being subject to change, because "human behavior and the functioning of the body and individual organs are becoming increasingly complex and often dependent on the external environment: complex bioenergetic prostheses, various stimulants, and medications[3]

By sex: a) heterosexual (in relation to a person of the opposite sex); homosexual (in relation to a person of the same sex as the offender).

At the same time, we do not rule out the possibility of further classification of sexual violence and, in general, all sexual offenses committed against minors on other grounds. For example, it can be noted that N.A. Isaev divides it into the following groups: institutionalized; symbolic violence; criminal; ritualized; reciprocal.

Speaking directly about the criminological characteristics of sexual crimes committed against minors, it should be noted that this encompasses not only a collection of data on statistical indicators of such acts but also information about their other indicators and features, in particular, the time and place of commission, and group nature.[4]

The study established that the majority of sexual crimes (this mainly refers to the crimes of the first group we identified) - offenses aimed at satisfying sexual needs - are committed in places related to the family and domestic sphere.

Thus, 64.1% of the studied crimes were committed in houses or apartments, and 3.1% - in country houses. For example, citizen K., while in the apartment of minor T., desiring to satisfy his sexual urge, began kissing her and caressing her intimate parts, thereby arousing her sexual interest and obtaining consent for sexual intercourse. However, upon experiencing pain, T. began to resist, but K., using violence against her, completed the initiated sexual act. 17.9% of crimes were committed on streets, in squares, and parks, 4.2% - in forests or by rivers. 5.1% - in establishments such as bathhouses and restaurants, 2.5% - in vehicles.[5]

A certain number of such crimes (3.1%) were even committed in educational institutions. As an example, we can cite the previously mentioned criminal case against P., who, being the director of an orphanage, systematically (at least 17 times) committed violent sexual acts against several pupils in his office⁴. Thus, the majority of the studied crimes (67.2%) were committed in places related to the family and domestic sphere of the perpetrators' lives. This is also indicated by other researchers of sexual crime. This factor must be taken into account in preventive activities.[6]

Certain studies show that a significant proportion of rapes (23.1%) are committed in basements, attics, and entryways of buildings, as these places are characterized by seclusion and relative desolation. However, this is primarily characteristic of rapes committed by minors against their peers.[7]

Some criminological studies note that a number of crimes exhibit seasonal fluctuations, particularly juvenile delinquency, violent crimes, and certain others.[8] We have established that sexual crimes against minors, although marginally, predominate in the spring-summer period (55.8%) compared to the autumn-winter period (44.2%). This prevalence is due to

crimes such as rape and violent acts of a sexual nature, the number of which has been increasing for many years during spring and summer.[\[9\]](#).

Similar seasonal variations in sexual assaults on minors have been identified by other researchers as well. For instance, A.A. Magomedov and T.G. Shuvalova note that most sexual offenses are committed in summer - 36.4%, in autumn - 28.2%, in spring - 25.3%, and in winter - 10.1%. As can be observed, the decrease in sexual crimes occurs during the winter season.[\[10\]](#)

In our opinion, the data on the characteristics of victims in the sexual crimes under study are noteworthy. First and foremost, it should be emphasized that a significant proportion of such acts, specifically 48.2%, were committed against two or more minors. This is primarily characteristic of such offenses as lewd acts, production and distribution of materials or objects containing pornographic images of minors, and organizing prostitution involving minors. Other researchers have also pointed out this circumstance.[\[11\]](#).

As N.A. Isayev notes, the criminological features of crimes related to the illegal distribution of pornographic materials and their production and circulation of materials containing pornographic images of minors are as follows: a) criminal activity in this area is professional, organized, and increasingly international in nature; b) the latest technological advancements in computer technology and communication tools, particularly the Internet, are widely used in committing these crimes; c) this type of crime, being highly profitable, involves a significant number of individuals in its operations and is closely linked to the involvement of children in prostitution and sexual exploitation[\[12\]](#).

The majority of underage victims (66.6%) are female. The proportion of male underage victims is 33.4%. Girls and young women most often become victims of such crimes as rape, sexual assault, and solicitation of sexual services from minors. A characteristic example can be groups of underage offenders committing rapes specifically against their female peers. Separate studies show that these groups are characterized by such features as stability, an increase in the number of participants committing this type of crime, the emergence of offenders under the age of fourteen among juvenile rapists, and the involvement of underage girls in such groups.[\[13\]](#)

As A.V. Kuzmin notes, the distinctive feature of cults is their destructive influence on the consciousness of their adherents, resulting in crimes committed within these groups that harm both the followers themselves and the surrounding world (mass suicide, numerous murders, terrorist acts, cases of financial fraud, arms trafficking, drug trafficking, sexual and psychological abuse of minors) [\[14\]](#).

According to domestic criminologists, in some non-traditional religious organizations, sexual acts are ritualistic in nature, constituting a kind of ceremonial component. In such situations, children and adolescents become helpless victims, accepting what is happening as normal, thus experiencing covert sexual abuse. Moreover, such sexual abuse has a prolonged nature, with minors long being misled regarding adult behavior, assuming it to be an inevitable, normal part of childhood and a certain stage of growing up. As a result, children and adolescents develop a distorted formation of sexual self-identification.[\[15\]](#)

The world was shocked when numerous facts about the life in "gurukulas" - boarding schools - came to light, where parents would send their children so that these "by-products of the body" wouldn't interfere with their pursuit of Krishna consciousness. There, mass cases of child abuse, beatings, and rape were observed. Here is a quote from a letter written by a boy

who grew up in the "Hare Krishna Movement": "Trying to remind me again of the gurukula nightmares is the cruelest thing one can do to me. I'm trying to forget all the horrors we endured in the name of God, physical beatings, psychological persecution, constant rape... I was raped by the same teacher who also raped my brother." [16]

Another important feature of the criminological characterization of the studied crimes, in our opinion, is the level of group offenses. Committing a crime in a group significantly increases the social danger of the act, as criminals, through joint efforts, can cause greater harm and achieve criminal results that cannot always be achieved alone. It is no coincidence that criminal law considers this circumstance as an aggravating factor. During the study of criminal cases, it was established that a significant number of them were committed in a group, namely 41.1%, including 4.1% as part of an organized criminal group or community. Criminal groups in most cases (52.9%) consisted of 3-5 or more individuals. 47.1% of such groups included two criminals.

Sexual criminality is determined not so much by biological factors as by social ones, including both the conditions of upbringing and socialization of an individual, as well as the personal characteristics and behavior of victims of sexual crimes, whose degree of victimization significantly exceeds that of victims of any other criminal offenses. At the same time, several factors influence the nature of victimized behavior of women - victims of sexual assault. These include certain situational life circumstances (family problems, neglect, dangerous environment, etc.), as well as their personal qualities and behavior. [17]

It is these latter factors that determine a person's ability to avoid existing victimogenic situations, as well as not create new ones; to correctly assess and adequately respond to them; to provide proper resistance to an attacker; to decisively suppress criminal encroachment, etc. [18]

Analysis of law enforcement practices in cases of such crimes reveals that the most negative impact on the quality of victimological prevention of violent sexual assaults is the unwillingness of women to disclose the fact of their occurrence and to bring the perpetrator to justice. In turn, such behavior limits law enforcement agencies' access to information about crimes and, consequently, reduces the effectiveness of preventive work. Additionally, certain age-related characteristics of minor victims, particularly their lack of awareness, trustfulness, insufficient life experience, unquestioning submission to adult authority, inability to critically assess situations, etc., increase the likelihood of sexual assaults against them by relatives and close acquaintances. Indeed, any child can become a victim of sexual violence, but girls become victims three times more often than boys. According to some data, almost 86% of girls begin their sexual lives with sexual violence, and one in three of them becomes a prostitute under the direct supervision of adults, including those directly responsible for their upbringing. [19]

Another type of sexual assault - sexual harassment - has become even more latent and therefore no less dangerous. As noted above, the issue of degrading women's honor and dignity in this manner is hardly addressed in criminological and other studies. There is also no reliable statistical data on this problem. According to various estimates, between 30% and 90% of all women become victims of sexual harassment. [20]

This situation is primarily due to the fact that in most countries of the world, this problem has long been ignored. One of the first countries to break down stereotypes in this area and declare at the highest level the need to combat sexual harassment was the USA,

where the mentioned types of sexual violence have reached alarming proportions.

According to the results of various sociological studies, about 30% of American women have been subjected to sexual harassment at work, and among the personnel of certain US agencies, for example, the military, this figure reached 66%. Overall, between 60% and 90% of American women have reported being victims of sexual harassment.[\[21\]](#)

Thus, an analysis of the causes and extent of latency in sexual crimes and harassment leads to the conclusion that current official statistics do not reflect the true scale of sexual assaults committed. Therefore, a decrease in statistical indicators is not always indisputable evidence of an actual reduction in the number of sex-related crimes. In this regard, the prevention of sexual crime requires constant mobilization of efforts from scientists, law enforcement officers, prosecutors, judges, medical professionals, and social services. They all must continuously and consistently convey a powerful message to the public that violence is not only a social problem but also a dangerous risk factor negatively affecting the health of the population as a whole. It is necessary to actively implement such programs alongside and in conjunction with initiatives for disease prevention, adolescent sexual health, maternal health care, and mental health protection of the population.[\[22\]](#)

The next issue worth discussing in more detail concerns determining the role of the female victim in the mechanism of criminal behavior. We will focus on the victim, who is not only a mandatory element of any criminal act but also one of its active participants. In some cases, such activity is explained by the mere fact of the female victim's presence at a certain time in a certain place, while in others, it is explained by the nature and direction of her behavior.

Another important feature of the criminological characterization of the crimes under study, in our opinion, is the level of group infringement. Committing a crime in a group significantly increases the social danger of the act, as criminals can cause greater harm and achieve criminal results through joint efforts that cannot always be achieved alone. It is no coincidence that criminal law considers this circumstance as an aggravating factor in punishment. During the study of criminal cases, it was established that a significant number of them were committed in a group, namely 41.1%, including 4.1% as part of an organized criminal group or community. Criminal groups in most cases (52.9%) consisted of 3-5 or more individuals. 47.1% of such groups included two criminals.

In recent years, it has become increasingly common for sexual crimes against minors to be committed as part of organized criminal groups. As an example of group sexual assaults on minors, one can cite the criminal case of the Saratov Regional Court against 14 individuals who created and participated in a criminal community engaged in organizing prostitution involving underage girls, including the use of violence against them, as well as involving minors in prostitution.[\[23\]](#)

Cases of sexual crimes against minors committed as part of transnational organized criminal groups are also not uncommon. Currently, international criminal groups are actively operating in the territory of the Russian Federation and are recruiting (or initially corrupting and then recruiting) minors to send them abroad, where they involve them in the sphere of providing sexual services. Thus, law enforcement officers prevented the activities of several organized criminal groups that produced and distributed pornographic materials involving Russian children via the Internet and international mail companies, as well as those involved in kidnapping minors and forcing them into prostitution. These criminal groups operated in

five regions of the country and several European countries.^[24] Similar facts are reflected in the works of other scholars.^[25]

Socio-legal characteristics of criminals who commit crimes against public morality in 45 Despite the fact that websites containing photo galleries and pornographic videos with naked children are often shut down by regulatory bodies, their number remains significant. It can be said that the dissemination of pornographic content involving minors via the Internet constitutes a form of mass immoral acts against children and adolescents, thereby harming their normal physical and psychosexual development.^[26]

Without a doubt, transnational crime poses the greatest social danger, as it is associated with particularly serious crimes and the violation of society's moral foundations. However, within the framework of this dissertation research, a more detailed examination of this aspect of sexual crimes committed against minors is not provided. Additionally, in recent years, cases of sexual violence against adopted children from Russia have become more frequent in several foreign countries. According to media reports, such crimes are most commonly committed in the United States.^[27]

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