

Comparative Analysis of Responsibility for Crimes Against the Family and Young People as an Example of the Criminal Law of Foreign Countries

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Abstract: This article examines the issues of responsibility for crimes against the family and youth in the criminal law of some foreign countries, and the issues of improving the responsibility.

Key words: family, youth, socially dangerous act, criminal act, aggression, crimes against family and youth, responsibility, minors, children, education, child rights, love, lack of supervision, offense, legal protection, parents, child, education.

Protection of the rights of minors is one of the most urgent legal issues in the world community, and is a component of the problems related to the protection of human rights in the focus of attention of the whole humanity [1, 12]. It should be noted that human rights is a concept that determines the legal status of a person in relation to the state, describes what opportunities he has in the economic, social, political and cultural spheres [2, 14].

The concept of "human rights" is comprehensive and complex in nature, it includes several components, including children's rights [3, 57-58].

However, it should be noted that in foreign countries, according to the national criminal legislation, evasion of financial support for minors or incapacitated persons or parents, violation of the law on the age of marriage, polygamy, giving material assets to a person between the ages of sixteen and eighteen or acts expressed in sexual relations with him through property interest are not considered socially dangerous. In this regard, this paragraph analyzes the issues of criminal liability provided for in the criminal laws of foreign countries for certain acts, such as sexual crimes against minors, intentional replacement of a child, failure to fulfill obligations expressed in the care of a child.

It should be noted that one of the determinants of crimes against the family, as well as crimes of this type, is the breakdown of family-marital relations.

Z. Ibrahimova, who is conducting research on this topic, believes that there is a need to analyze the number and causes of divorces while looking for solutions to marriage and family problems, and to decriminalize crimes that encroach on the rights and freedoms of a person in the field of marriage and family relations in the criminal legislation of the world countries. , especially in a society where patriarchal-family traditions are strongly rooted, in our opinion, it is happening due to insufficient assessment of the social danger of the corresponding actions [4].

For example, only some of the republics of the former USSR have retained criminal liability for forced marriage or, on the contrary, preventing it in the new criminal laws. The practice shows that the countries that waived criminal responsibility in the case of early and forced marriages, abduction for the purpose of marriage, were later forced to re-establish criminal responsibility for these socially dangerous acts.

Article 169 of Chapter XII of the German Criminal Code entitled "Marriage Civil Status and Crimes Against the Family" provides for up to two years of imprisonment for "giving false information about the civil status of another person to the competent authorities that maintain child replacement or civil status records and determine civil status or hide this information" or a fine is provided [5, 24].

This code also contains provisions for "leaving a person who is required to be cared for according to the law to be in danger of his life if he is left without the help of another person", which stipulates the punishment of imprisonment for up to 3 years. In addition, the same punishment is imposed on the person who "grossly violated his duties regarding the care and education of a person under the age of 16, thereby endangering the physical or mental development of the person under his care, causing him to lead a criminal lifestyle or prostitution."

The Spanish Criminal Code also has a separate section on crimes against family relationships. Part 3 of Article 221 of the Code provides for deprivation of liberty from 1 to 5 years for intentional replacement of a child [6, 43]. F. Reshetnikova, who conducted research on the act in question, dwells on the subjective side of this crime and notes that responsibility is also determined for allowing the replacement of a child due to "gross negligence" by persons who are obliged to protect children in medical or social-medical institutions [7, 98].

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In addition, in the case of "illegal adoption", "hiding or handing over a child to a third party in order to change its origin", the sentence of deprivation of parental rights from 6 months to 2 years and from 4 to 10 years can be imposed.

Also, criminal liability is established for both the person who received the child and the intermediary for the actions of "persons refusing to perform the duties of protection or protection, giving the child to another person unrelated to kinship or paternity for a fee, in order to establish a relationship similar to kinship with the child". In the event that guardianship and guardianship bodies, other institutions where children live are involved in the crime, these institutions may be permanently or temporarily closed, as well as deprived of the right to engage in relevant activities.

In the event that a teacher, medical worker (doctor, midwife, hospital staff and other persons engaged in medical or social-medical practice), an official participates in the commission of the crimes provided for in articles 221-222 of the Spanish Criminal Code in the performance of his professional duties, in accordance with the sanctions of these articles will be punished. In addition, he will be deprived of the right to engage in this activity for two to six years.

Article 230 of this Criminal Code provides for responsibility for "neglect of an incompetent person or a child under the age of 16 by a person who is supposed to look after him". The guilty person is punished with imprisonment from one to two years. If such neglect is committed by parents, guardians or sponsors, then the punishment is "withholding of wages for 18 months and imprisonment for up to three years".

Article 232 of this code states that "if a person who has to fulfill the task of raising or educating a minor or a disabled child, without the permission of the persons who have certain rights in relation to the minor or a disabled child, has transferred his responsibility to a third party or a state institution, contrary to his interests, It is punishable by a fine in the amount of 6 to 12 months' salary. If such acts endanger the child's life, health or sexual freedom, the perpetrator may be imprisoned for 6 months to 2 years.

Article 256 of Chapter XV of the Dutch Criminal Code entitled "Leaving a person in a helpless situation" provides for criminal responsibility in the form of imprisonment for a period not exceeding 4 years and 6 months or a fine in the case of giving or abandoning a child under the age of 7. If such actions result in serious injury or death to the victim, then the penalty in the form of deprivation of liberty will be increased from 7 years, 6 months to 9 years. If the subject of this crime is a mother or father, then the punishment can be increased by one third. If the mother "fears that the state of childbirth would be revealed, gives it to someone or abandons it", then the term of imprisonment is reduced by half [8, 93].

According to Article 279 of Chapter XVIII of this Criminal Code entitled "Crimes against the freedom of the person" "a person who deliberately takes a minor from the person who has guardianship over him or from the care of persons with legal authority or from the control of a person who has the duty of legal control shall be imprisoned for a period of not more than six years shall be subject to deprivation of liberty or a fine". If the minor is under the age of 12, or if he was deceived, coerced or threatened with coercion, the term of imprisonment increases to 9 years.

If a person intentionally hides or conceals a minor who has been taken from custody or who has run away from the investigation of judicial authorities or police officers, then such a person may be deprived of liberty for a term not exceeding 3 years or fined.

Section VI of the Swiss Criminal Code entitled "Offenses and Offenses against the Family" contains Article 220, according to which "any person who takes a minor from a person having parental or guardianship authority or refuses to return a minor shall be punished with imprisonment or a fine on complaint will be punished" [9, 57].

According to Article 207 of the Polish Criminal Code, "a person who insults a relative or other person who is permanently or temporarily under the care of the guilty person, a minor or a person who is weak due to physical or mental condition by physical or mental influence" is defined in the form of deprivation of liberty for 3 months up to 5 years. If this act is related to extreme cruelty, the guilty party is 1 year shall be punished by imprisonment from 1 year up to 10 years. If, as a result of this act, "the victim attempted to commit suicide," the perpetrator may be imprisoned for 2 to 12 years. Such a wide range of deprivation of liberty in Polish criminal law allows the punishment to be imposed individually on the offender [10, 49].

According to Article 209 of the Code, a person who "seriously evades the duty of guardianship assigned to him by law or court decision, and by not providing funds for the maintenance of a loved one or another person, destroys the opportunity to meet their basic life needs" may be restricted to 2 years of freedom, deprivation of liberty or a fine is imposed. Polish law also provides for a "duty to care for a person under the age of 15 or a person who is incapacitated due to mental or physical condition."

Article 210 stipulates responsibility for a person who "abandons" a person of this category and will be deprived of liberty for up to 3 years. If the consequence of such "abandonment" leads to death, so be it 6 months to 8 years of imprisonment may be imposed.

In Article 211 of Chapter XXVI of this Code "On Crimes Against Family and Guardianship", "a person who takes or keeps a child under 15 years of age, a person who is disabled due to his mental or physical condition against the will of the person entrusted with guardianship or control duties" is subject to a fine or limitation of freedom will be punished.

The researcher who conducted research on this topic found that in European criminal law, there are norms designed not only to protect the child's right to live and be educated in the family, but also to protect the rights of parents, and that the

child is protected not only from the aggression of strangers, but also from those who are responsible for him, in turn, focused on the existence of responsibility for child substitution and abduction in criminal law [11].

It is worth noting that the most important rights of the child: the right to live in a family and receive education, care, and financial support are reliably protected in European criminal law as well as in the Criminal Code of Uzbekistan. However, there are some gaps in our national criminal law. For example, there are no provisions on child abandonment or violation of parental authority (for example, the Swiss Penal Code provides penalties for refusing to return a minor to a parent or guardian).

Some codes stipulate criminal liability for evading the duty of guardianship (sponsorship). Also, in our opinion, determining the responsibility for using guardianship (sponsorship) for the purpose of abuse or leaving those in care without supervision or without providing the necessary support is relevant for the Criminal Code of Uzbekistan.

Based on the above, it can be said that the protection of the rights of minors is one of the urgent issues of not only national, but also international law.

When talking about the international standards in the field of minors' rights and their specific aspects, first of all, the protection of the rights of minors is of a specific nature, which is explained by the fact that minors in most cases do not realize the violation of their rights and legal interests, as well as the lack of opportunity to protect them independently. In this regard, juvenile justice is one of the international standards for the protection of the rights of minors through the courts.

Juvenile justice is an international term that means juvenile justice or juvenile court [12, 40]. That is, "juvenile justice" can be called a judicial institution for minors. However, the difference of juvenile justice from the judicial body is that it is widely involved in the protection of the rights of minors in the society and in solving the issues related to them. In this sense, it can be called a system of ensuring the rights of minors between the state and civil society.

For example, in the United States, France, and Japan, the juvenile justice system deals with matters such as custody, guardianship, parental sanctions, and property disputes that arise in juvenile delinquency proceedings. That is, solving civil, administrative, economic and criminal cases related to minors in these countries is within the competence of this justice. This shows that courts in developed countries are specialized and more effective experience has been accumulated. Today, specialized juvenile courts exist in more than 40 countries of the world [13].

In the experience of foreign countries, mainly three forms of juvenile justice are widespread:

- ✓ Specialized courts (USA, Bulgaria, Germany, Romania, Poland, Estonia, Lithuania, Russia, Kazakhstan, etc.);
- ✓ the executive system that has administrative powers and protects the interests of minors in the areas of criminal, family, civil, labor law (Austria, Hungary, Spain, Latvia, Moldova, France, Japan, etc.);
- ✓ A system protecting the rights and interests of minors by courts with general jurisdiction (Belarus, Ukraine, Armenia, Kyrgyzstan, etc.) has been introduced.

The system in question has gone through a complex historical process. Historically, at first, the courts of European countries did not take into account the age of the person who committed the crime. Later, there was a tendency to focus on age and psycho-physiological development in sentencing for juvenile delinquency and delinquency. In particular, the Napoleonic Code includes the concept of "whether or not he understands the consequences of his actions" in relation to minors [14, 176].

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