



## **PREVENTION OF CRIMES AGAINST THE SEXUAL INVIOABILITY OF MINORS THROUGH THE USE OF THE INTERNET**

**Urakov Dzhahongir Rajabovich**

Sh. Teacher of the Department of special legal Sciences of Samarkand State University named after Rashidov

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<b>Received:</b> November 11 <sup>th</sup> 2022 <b>Accepted:</b> December 8 <sup>th</sup> 2022 <b>Published:</b> January 8 <sup>th</sup> 2023	The article analyzes the problem of crimes committed against the sexual inviolability of minors through the use of the internet. The actions of underage internet users, making them pay attention to this factor of work, and the type of crime in question is determined by measures to prevent victims.
<b>Keywords:</b> internet, juvenile, crimes against sexual immunity, cyberbullying, sacrifice, crime prevention, pedophile, grooming.	

The Internet is becoming increasingly popular among children and adolescents. The amount of time that minors spend on the network is increasing, the intensity of its use is increasing. Being online is becoming a common way of life and easily combines with traditional offline life. According to World Scientists, the average age of the beginning of internet use is 10 years, and in developed cities-6 years, almost 70% of children go online every day or kunoro. A quarter of the children surveyed spend from 7 to 14 hours a week on the internet, and one in six-from 14 to 21 hours. Every fifth child spends more than 21 hours a week, that is, more than 3 hours a day .

One of the most used areas of internet use is social networks, which allow children to communicate with friends and exchange information. In our country, more than 75% of young people have a profile on social networks, almost a third have more than one profile on different networks. At Facebook, statistics are distributed through the Facebook network so many pornographic videos and photo shoots that it corresponds to 3 minutes a day for each of the 17 million Facebook users . Through it, inhuman work can be carried out, such as absorbing various alien ideas into the minds of young people, creating chaos in society by organizing information attacks.<sup>1</sup>

Almost every fifth (19 %) child in the world has more than 100 friends on social networks. Children who are in the virtual space of the internet inevitably face a whole complex of cyber threats, among which there are

malicious programs, internet fraud, insults and harassment (cyberbullying), etc. Among them, one of the most dangerous, in their social consequences, is the risk of the child becoming a victim of a crime against sexual immunity due to virtual communication on the internet. In foreign countries, "cyberbullying" or "online grumbling" (cybergrooming / onlinegrooming), aimed at establishing a reliable connection with a child on the Internet of an adult, is used to convince a person to enter into contact. It covers both actions aimed at obtaining sexual satisfaction by a pedophile and actions aimed at involving a child in commercial sexual exploitation. On one of the thematic internet security sites, the "communication risks" section describes a typical grumbling mechanism: "an attacker often communicates with a child on the internet, pretending to be a peer or a slightly older child. He meets with the victim in a conversation, forum or social network, tries to establish friendly relations with him and move on to personal correspondence. Communicating in person ("personal"), he enters into the child's trust, tries to find his mobile number and arrange a meeting".<sup>2</sup>

According to European standards, cyberbullying is considered a crime. The Council of Europe Convention on the protection<sup>3</sup> of children from sexual abuse and sexual violence of October 25, 2007 included a Special Criminal composition in the section of material criminal law, that is, Article 23 is called "child harassment for sexual purposes" (taxation of children for sexual purposes). This article describes this criminal act as

<sup>1</sup> Тенденции развития интернета: готовность экономики и общества к функционированию в цифровой среде : аналитический доклад / Г.И. Абдрахманова, М.Д. Ванюшина, К.О. Вишневский, Л.М. Гохберг и др.; АНО «Координационный центр национального домена сети Интернет»; Нац. исслед. ун-т «Высшая школа экономики». – М.: НИУ ВШЭ, 2021. – 123 с.

<sup>2</sup> <https://cyberleninka.ru/article/n/prestupleniya-protiv-nesovershennoletnih-v-internet-prostranstve-k-voprosu-oviktimologicheskoy-profilaktike-i-ugolovno-pravovoy/viewer>

<sup>3</sup> [https://uz.wikihre.ru/wiki/List\\_of\\_international\\_and\\_European\\_laws\\_on\\_child\\_protection\\_and\\_migration](https://uz.wikihre.ru/wiki/List_of_international_and_European_laws_on_child_protection_and_migration)



follows: "any intentional proposal for a meeting, when an adult using information and Communication Technologies is addressed to a child under the legal age to have sex with the purpose of committing one of the following crimes: sexual intercourse with a child who has not reached the legal age to have sex in accordance with the relevant provisions of the national legislation, the production of child pornography is considered to be cases in which practical actions are carried out that lead to such a meeting after the proposal, if any. The criminal legislation of the Republic of Uzbekistan does not contain a similar criminal structure, and the described actions (cyberattack) these criminal acts are mentioned in articles 128-130 of the Criminal Code of the Republic of Uzbekistan and Part 4 of Article 131 in paragraph A. We limit ourselves to the consideration of crimes against the sexual inviolability of minors using the internet network.

On October 9, 2021, the Legislative Chamber of the Oliy Majlis in the committee of democratic institutions, non-governmental organizations and self-government bodies of citizens considered the draft law "on amendments and additions to certain legislative acts of the Republic of Uzbekistan in connection with the further improvement of the system of ensuring guarantees of the rights of the child" <sup>4</sup>in a preliminary According to him, it is envisaged to raise the age of criminal prosecution of minors from thirteen to fourteen years old, to strengthen the sanctions of crimes against the sexual inviolability of minors, in particular, articles 128 and 129 of the Criminal Code. For information, articles 128 and 129 of the Criminal Code of the Republic of Uzbekistan establish responsibility for the encroachment on the sexual life of children <sup>5</sup>. In particular, Article 128 contains penalties for having sex with a person under the age of sixteen, ranging from compulsory public work for at least three hundred and sixty hours to imprisonment for a maximum of three to five years. Article 129 of the code establishes a minimum of up to three hundred hours of compulsory public works for committing shameless-corrupt acts in relation to a person under the age of sixteen, and a maximum penalty of up to five years of imprisonment. According to the current regulation, persons who have reached the age of sixteen before committing a crime in a general way, sane individuals are subject to criminal liability. Also, according to Article 17 of the Criminal Code, it is established that persons who intentionally killed a person in aggravating circumstances, who have reached the age of 14 before committing a crime, are also subject to liability. In addition, Article 121 of the

Criminal Procedure Code of the Republic of Uzbekistan, approved by the law of the Republic of Uzbekistan dated September 22, 1994 No. 2013-XII, was supplemented with the second, third and fourth parts of the following content:

"The involvement of a pedagogue and (or) a psychologist in the interrogation is carried out at the request of a legal representative of a minor witness or victim or a close relative of an adult, a representative of the victim, or at the initiative of an inquiry officer, investigator, prosecutor or court. The participation of a pedagogue and (or) a psychologist is provided by an inquiry officer, investigator, prosecutor or court conducting a criminal case.

The right to petition for the involvement of a pedagogue and (or) a psychologist to participate in the interrogation of a minor victim or witness is explained to his legal representative or an adult close relative, victim representative by an inquiry officer, investigator, prosecutor or court before questioning.

The total duration of the interrogation of a minor witness or victim should not exceed four hours, not counting the one-hour break for rest and nutrition during the day"

Analysis of Russian criminal statistics shows a high increase in numbers against the sexual inviolability of minors. So, according to the Department of the Ministry of internal affairs of Russia, in 2011, about 8.8 thousand crimes were committed against the sexual immunity of children in the country. At the same time, compared to 2003, the number of non-violent acts of a sexual nature increased by 21.6 times, minors under the age of 16 (about 4 thousand such actions identified in 2011), the number of perverts increased by 2.7 times (2.2 thousand) . However, now it is impossible to determine the share of these crimes committed using the internet, therefore, the Prevention of victims of crimes against the sexual inviolability of minors remains relevant now. Crimes carried out using the Internet are contained in the general line of crimes registered as statistics, they cannot be distinguished.

Due to its relative novelty, the category of crime under consideration has not been well studied. In this regard, special research has begun in this area in many countries. So, under the auspices of the EU program "Safe Internet "(Safe Internet Software), several similar projects were implemented. Projects EU KIDS Online (Enhancing knowledge regarding European children's use, risk and safety online ) pursue the goal of comprehensively studying the processes of internet use in the territory of the European Union by children,

<sup>4</sup> <https://lex.uz/uz/docs/-5717896>

<sup>5</sup> <https://www.lex.uz/docs/-111453>.



including online risk and security issues on the internet. The ROBERT project (Risktaking Online behavior - promotion through research and training) focuses on the study of deviant behavior on the internet, youth vulnerability on the internet, and safety factors. POG (understanding the online care process: the behavior of men targeting young people online) is the first European specialized study on online lamentation.

The strategy to combat crimes against the sexual inviolability of minors using the Internet includes all aspects. In this article, we are highlighting such a component of it as wiktimological prevention. It is known that in criminology it is understood as a specific activity of social institutions aimed at identifying, eliminating or neutralizing the factors, situations that make up the victim, determining the conduct and commission of crimes, identifying risk groups and individuals with a high level of victimization and influencing them to restore or activate their protective properties, as well as developing or improving.

Wickedness is a criminal behavior determined by a number of factors and plays an important role in the mechanism of the type under consideration first of all, the socio-psychological characteristics of minors are victims of such crimes, characterized by the lack of trust in information and people, complete critical thinking, limited possibilities of physical resistance to the offender. Secondly, the attractiveness and "fashion" of virtual communication on the internet is to replenish the circle of virtual friends ("friends") in social networks, which are a source of danger among children and adolescents. Thirdly, the anonymity of virtual communication, which is a possible victim, is very difficult to immediately recognize the personality and intentions of the counterparty. A quarter of parents say that insufficient social control is an excess of their children's behavior in cyberspace.

In the studied Proverbs, it can be seen that more than 70% of schoolchildren usually go online in their apartments and near Friends, of which 50% have a minimal ability to control the actions of these young people by adults. In addition, the older the schoolchildren, the less control adults have of them: 70% of students aged 9-10 years and more than 90% of schoolchildren over 13 years old use the internet uncontrollably in the absence of adults. From scientific research, these cases are confirmed, which means that less than half of children aged 11-12 years do not know enough protection skills about the safety of using the internet. Although children will better master these skills as they get older.

In order to fully reveal the victomological aspects of crimes against the sexual inviolability of minors

committed using the Internet, the following are required, that is, special criminological studies similar to the European pog Project (Special criminological investigative project, analogical Europe). Those used in the project can be taken as a basis methodology, which includes three methods: 1) analysis of literature, study of materials of criminal cases and conversations with key participants; 2) in-depth conversation with persons found guilty of committing crimes, study of archives of their correspondence on the network; 3) public meetings with young people, parents, teachers and specialists.

Nevertheless, taking as a basis the basic information available about the specific features of online outrage (grooming), we can state the main directions of wiktimological prevention of crimes against the sexual inviolability of minors using the internet. The most obvious and at the same time effective measures to prevent the victimization of this type of crime include:

- to carry out information and explanatory work aimed at increasing the awareness of children, their parents, teachers and educators about the risks of grumbling on the internet and measures to protect against it, educational institutions of state and non-profit organizations, law enforcement agencies can participate as subjects of such work;

- children of the appropriate age category need to have knowledge of the threat of online grumbling in sufficient form, its methods, to provide adequate insights into prevention and recognition when confronted with it and what actions to take;

- it is important to convey relevant knowledge to parents and teachers who need to be aware of the characteristics of cyberbullying, methods of protecting the child from it, signs of "suspicious" behavior of a child who has virtual or real contact with a pedophile, etc;

- setting the age limit ("parental control" as a means of protection) on mobile phone devices in order to prevent minors from coming various pornographic ads when accessing the internet, in addition to technological tools, there must be additional protective equipment ("parental control"tools) designed for parents for underage users.

The key to the success of information and explanatory measures is the maximum level of "coverage" of the population. The most real way to provide it is with access to general education courses "basics of security", topics related to ensuring the safe use of the internet. In addition, traditional and online media, social Outdoor Advertising, Public Events should be used for these purposes. Based on the analysis of the crimes committed, law enforcement agencies should notify citizens through public speaking, distributing special



notes on the internet, conducting special classes in schools, etc.

The next important area for the Prevention of crimes against the sexual inviolability of minors committed using the internet network is the provision of the necessary protective equipment and technologies to Internet users. First of all, these are social networks that limit the amount of personal data posted about your profile management tools, allowing you to block access to it by unauthorized persons.

The appropriate software tools must be provided by the social media operators themselves and by third-party software developers. However, it should be understood that, unlike illegal content, the possibilities of filtering unwanted information during cyberbullying are very limited.

Another area of victim prevention of crimes against the sexual inviolability of minors committed using the internet is advisory assistance to minors, as well as parents and teachers. In order to prevent the virtual contact of the pedophile with a potential victim-a child, the technological mechanisms described above have not worked, and this is necessary in cases where the standard set of knowledge about the necessary model of behavior is insufficient or unavailable in this situation. For this purpose, special types of Secure internet centers are being organized in foreign countries - support lines. For example, in the Russian Federation for several years "online children" (<https://dети-online.com/>) the so-called Help Line has been operating successfully. It is a free all-Russian telephone and online counseling service for children and adults on the problems of safe use of the Internet and mobile communications. On the help line M. V. Psychologists of the Faculty of psychology of Lomonosov Moscow State University and the foundation for the development of the Internet provide professional psychological and information assistance.

During the two-year operation of the Russian assistance line "online children" (2009-2011), the most appeals were made on communication risks (45%), almost one in five of which are associated with cyberattack problems (19 %). Like the previous group of measures, it is necessary to inform children, parents and teachers about the existence of such lines of assistance and their mass popularization. On each bulletin board, it is necessary to try to place informative posters with information about them.

In conclusion, we note another direction for the Prevention of victims of crimes against the sexual inviolability of minors using the internet network, which is "at the junction" with the activities of law enforcement agencies to combat these crimes. It is about creating a

mechanism for reporting on the alleged care of users of social networks and the facts of responding to such messages.

As for the first part, this means the presence of tools in the interface of social network resources to send notifications about suspicious behavior from the user's point of view. Such tools should be easily identified by users and easy to use. Accordingly, the system administrators of these resources must create a mechanism for checking and responding to incoming appeals. The algorithms of the latter require additional work. They may include the adoption by the administrators of the social network of their own measures in relation to the user and the transfer of information to law enforcement agencies for verification by quick-search. These measures allow the child to stop further contact with the pedophile and communication with him in real life. In addition, it helps to identify and arrest a suspect by law enforcement agencies.

#### REFERENCES:

1. Roby, Jini L., and Melanie Vincent. "Federal and state responses to domestic minor sex trafficking: The evolution of policy." *Social work* 62.3 (2017): 201-210.
2. Abisheva, Aliya Kurmanaevna, et al. "CRIMES AGAINST SEXUAL INVIOABILITY OF MINORS: CRIMINAL LEGAL AND PENITENTIARY FEATURES." *Journal of Legal, Ethical and Regulatory Issues* 25 (2022): 1-8
3. Shaimerdenov, Bolat Erkenovich. "Counteraction to crimes of a sexual nature against minors in the Republic of Kazakhstan: International practice and national peculiarities." *Journal of Advanced Research in Law and Economics (JARLE)* 8.29 (2017): 2217-2223
4. Movchan, Roman, et al. "The behavior of a victim in the field of prevention of sexual violence on the Internet: a psychological aspect." *Amazonia Investiga* 10.40 (2021): 142-152.