



ISSUES OF PREVENTION AND COMBATING DOMESTIC VIOLENCE

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Abstract

The article examines some issues of responsibility for domestic violence in the family, criminal law and criminological measures aspects of prevention and combating this type of crime, analyzes the materials of judicial practice.

Keywords: family, state, domestic violence, crime, victim, Criminal Code, judicial and legal reforms, reconciliation, crime prevention, crime control, criminological measures, psychology, sentence, statistics.

Introduction

It is known that the liberalization of the criminal law requires not only the liberalization of the rules of responsibility and sentencing, but also the strengthening of responsibility based on the principle of social justice and the rule of law, and the criminalization of socially dangerous acts. In the period of judicial reforms, on the basis of reforms aimed at further improving the system of reliable protection of women's and children's rights and their legal interests, Article 1261 of the Criminal Code of the Republic of Uzbekistan establishes responsibility for "family (domestic) violence" [1].

It should be noted that domestic violence in the family is a social phenomenon that occurs in many countries today, and the Republic of Uzbekistan is not exempt from it. According to the Supreme Court of the Republic of Uzbekistan "Statistical data on criminal cases related to violence and harassment against women" during the reporting period, that is, from January 1 to June 30, 2023, a total of 1,404 criminal cases were considered against 1,763 persons in the Republic, and the number of women victims in the cross-section of regions, it is the majority in Tashkent (253) and Fergana region (241). 239 of the injured women are under 18 years old, 472 are 18-30





years old, 857 are 31-60 years old, and 47 are 60 years old and older. 985 of the victims are unemployed. According to information, most of the victims were between 31-60 years old are women [2].

From these statistics, it appears that 720 of the perpetrators are unemployed men and 260 are women. Most of them were committed by men between the ages of 31 and 60. On the other hand, according to the content of Article 1261 of the Civil Code of the Republic of Uzbekistan, responsibility for committing family (domestic) violence against a husband or wife, ex-husband or wife, a person living together on the basis of the same household or a person who has a common child is provided. In reality, the victims of this crime are mostly women, and according to the judgments we have analyzed, in most cases the perpetrator's married wife (64%), ex-wives (5%), cohabitants in 20% of cases, as well as the guilty victim in 8% of cases. had a common child with In 3% of cases, men (husbands, cohabitants) became victims.

In most cases, these types of crimes are of a domestic nature, more often as a result of long-lasting conflicts, disagreements, quarrels, drunkenness (20%), a state of stress in the perpetrator, jealousy (7%), treason, disagreements caused by the intervention of third parties in the family, etc. it can be seen that it was committed as a result.

64% of the people who have committed a crime according to the verdicts we have studied are people who have not been convicted before, but among them, the percentage of unemployed is higher, and naturally, in such families, economic failure, stress situations caused by the man's unemployment, discord in the family, and violence as a result of jealousy of his working wife for various reasons. caused The majority of previously convicted persons (36%) committed crimes against health (Articles 104, 105, 105 of the Civil Code).

35% of the perpetrators of these crimes have three or more minor children, 24% have one, and 26% have two children. For your information, according to the verdicts we studied, 92% of the persons who committed family (domestic) violence have secondary and secondary specialized education, but among the persons who committed this type of crimes, there are highly educated persons, people with various professions, including company directors, teachers, hired workers. , pensioners and even cases committed by imam khatib can be seen.

The majority (48%) of the persons who committed this type of crime intentionally inflicted minor bodily injury on the victim specified in Part 3 of Article 1261 of the Civil Code.

One of the most interesting aspects is that 54% of the verdicts we studied resulted in a settlement of the criminal case. True, without denying the existence of specific legal conditions for the application of these provisions, in our opinion, in this type of crime,





a special and careful approach is required in the termination of the criminal case with the reconciliation of the parties.

It is known that in the cases provided for in the first, second, third and fourth parts of Article 1261 of the Criminal Code, exemption from responsibility is provided by the reconciliation of the parties. In other words, the institution of reconciliation can be used even in the case of moderately severe injury.

However, the analysis of some crimes shows that family (domestic) violence has a long-term character, continues for a long time at the heart of family disagreements, quarrels, and causes various bodily injuries. Of course, the application of the institution of reconciliation in these cases requires a special approach, taking into account not only the criminal-legal conditions of its application, but also its continuous nature. It's no secret that in cases like this, if the original problems that caused the use of violence are not resolved by the parties coming to court, it cannot be ruled out that more severe consequences may arise later. Therefore, it is more important, in our opinion, to approach this category of criminal cases from the point of view of preventing individuals from continuing violence later, without denying the possibility of using the institution of reconciliation. In this regard, we think. In the criminal law, it is appropriate to include provisions limiting the use of the institution of reconciliation in preventing family (domestic) violence, taking into account the continuous character of family violence in such cases. As the legislative body establishes responsibility for violations against the rights and freedoms, health, and life of the victim as a result of family (domestic) violence in a special norm, in our opinion, the persons who committed the crimes in this regard should be released from responsibility and released from punishment, a separate approach to the application of the rules required.

References:

1. The Law of the Republic of Uzbekistan dated April 2023 "On amendments and additions to certain legal documents in connection with the further improvement of the system of reliable protection of the rights, freedoms and legal interests of women and children". // <https://lex.uz/docs/6430272>.
2. The main indicators of the results of the activities of criminal courts in 2018- 2022 and the first half of 2023 ps://[stat.sud.uz/file/ 2023/09.022](https://stat.sud.uz/file/2023/09.022).

