

CRIMINAL-LEGAL PROTECTION OF MINORS: CONTEMPORARY APPROACHES

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Abstract: *This paper examines the issue of criminal-legal protection of the rights and legitimate interests of minors in the Republic of Uzbekistan within the framework of current legal policy. The conducted scientific and theoretical analysis demonstrates that crimes committed against this category of persons pose a serious threat not only to the physical and mental health of minors but also to the moral and social stability of society. Therefore, the necessity of shaping criminal-legal policy not solely based on punitive measures but through the integration of socio-pedagogical, psychological, and preventive approaches is substantiated.*

Keywords: *minors, legal policy, criminal-legal protection, public security, punitive measures, preventive approach, international norms, legal culture, multidisciplinary approach, rehabilitation, civil society.*

The process of socio-economic transformations taking place in the Republic of Uzbekistan in the modern era makes the issue of comprehensively guaranteed protection of the rights and freedoms of the individual a priority area for all branches of law. In particular, the criminal-legal protection of the family and minors is manifested as an important component of state policy.

Normative legal acts and state programs adopted in this area are aimed at providing economic, social, and legal support to families, with special attention paid to protecting the rights and legitimate interests of minors from criminal encroachments. Because the formation of a mature, healthy, and harmoniously developed generation is a decisive factor in the sustainable development of society.

At the same time, the strength of the institution of the family and the development of minors in an environment protected from criminal influence serve as the basis of state stability and social security. In this regard, the consistent implementation by the state of measures in this area and their further improvement from an institutional and regulatory point of view remains an urgent task.

Crimes against minors, their scale and level of social danger pose a serious threat to the social stability and legal culture of society. Such crimes negatively affect not only the physical and mental health of the younger generation, but also the effectiveness of state policy aimed at ensuring their constitutional rights and freedoms in practice.

The relevance of this problem lies in the fact that crimes against minors are characterized not only by causing harm to an individual, but also by undermining the general moral and social structure of society. This, in turn, complicates the activities of state bodies, in particular, law enforcement agencies, placing additional organizational and regulatory burdens on them.

From this point of view, as the researcher D.V. Beltsov notes, the commission of crimes against minors disrupts the internal balance of the system of their protection, which creates the need for a radical improvement of the mechanisms of responsibility for this category of crimes.

In our opinion, although this approach of Beltsov is important in determining the burden of responsibility of the law enforcement system, it is necessary to consider this problem on the basis of a comprehensive approach. In the fight against crimes against minors, it is necessary to introduce a multi-stage system that combines not only punitive measures, but also social protection, psychological assistance, and pedagogical influence.

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In our view, the scientific conclusions put forward by Beltsov serve as a necessary conceptual basis for practical activity. However, in modern conditions, it is advisable to take into account issues related to the development of multidisciplinary and preventive approaches in working with minors, a deep study of socio-psychological factors leading to crime.

From this point of view, the strategic role of legal policy in the fight against crime is invaluable. Reliable protection of the rights and legitimate interests of minors is an important guarantee not only for the establishment of social justice, but also for the upbringing of the future generation of society in a safe and stable environment. Crimes against minors directly affect the most vulnerable social strata of society. Therefore, special attention and a consistent approach are required in the formation of criminal law policy in this area.

At the same time, cases of violation of children's rights are becoming increasingly acute on a global scale. In particular, according to international Internet sources, about 250 million children worldwide are involved in various forms of labor activity instead of school education. Of these, 5.7 million are working in forced labor, more than 70 million children are completely excluded from school education, and 1.8 million children are forcibly involved in prostitution and pornographic activities. The most tragic thing is that 1.2 million children become victims of human trafficking every year[1, p-10].

These indicators show that the scale of transnational crimes against children and the level of socio-legal risk are extremely high. In particular, cases of exploitation of minors,

turning them into direct objects of crime, are a serious threat to human development, and their elimination requires a comprehensive approach based on international cooperation.

In this regard, legal policy on the protection of children's rights should go beyond national borders and be based on the norms of international law, human rights conventions, and global preventive mechanisms. In this process, the exchange of information between states, international crime monitoring systems, and special protective measures related to disabled, migrant, or orphaned children are of great importance.

Against the backdrop of this international situation, the fact that children occupy a significant place in the demographic structure of the population of the Republic of Uzbekistan requires a more serious approach to this issue. In particular, according to official statistics, 36.6% of the country's population - 12,157,063 people - are children aged 0 to 18 years. Of these, 51.7% (6,279,778) were boys, and 48.3% (5,877,285) were girls. When analyzing by age groups, 10.7% of children are 0-4 years old, 9.6% are 5-9 years old, 8.6% are 10-14 years old, and 7.7% are 15-18 years old[2].

This indicates that the demographic structure should be considered as one of the main strategic factors in the formation of legal policy aimed at protecting the rights of minors in Uzbekistan.

Such a high demographic share means that any legal reform, crime prevention, educational policy, or social protection system in the country must be developed in direct connection with the interests of children. In particular, within the framework of criminal law policy, priority should be given to comprehensive approaches that fully protect the rights of children, protecting them from exploitation, violence, and indifference.

The well-founded arguments justifying this approach are expressed in the works of the famous Russian jurist V.L. Andreev as follows: "Minors, due to their status, as well as the peculiarities of age, social, and psychological immaturity, should be covered by state care and special criminal-legal protection."

In our view, this scientific opinion, put forward by V.L. Andreyev, serves as an important theoretical basis for determining the legal status of minors. Because minors, due to their biological, psychological, and social immaturity, need special legal protection as a category vulnerable to criminal threats. Therefore, the state's protection of them not through a general system of protection, but through special criminal-legal mechanisms, fully corresponds not only to the principles of social justice, but also to international norms in the field of human rights.

As M.V. Ryabova and E.V. Seregina noted in their scientific research, the criminal-legal struggle against crimes against minors is one of the main directions of state policy in the field of protecting the rights and legitimate interests of the younger generation[3, pp 61-66].

This idea is fully consistent with our scientific views. Since minors are recognized as a vulnerable category to criminal threats, any offenses against them pose a threat not only to their personal safety, but also to the social stability of society as a whole. Therefore, the

need to prioritize this direction in state policy, that is, to ensure the protection of the interests of minors by criminal-legal means on an institutional basis, is increasing. Such an approach, on the one hand, corresponds to the norms of international law, and on the other hand, creates the basis for the formation of future generations as healthy and legally conscious citizens.

Yu.V. Nikolaeva, in her research, approaches the issue of protecting the rights and legitimate interests of minors from a criminal-legal point of view, characterizing this process as systemic protection provided mainly through legal means. According to him, the main means of protecting the rights of minors are important elements of legal regulation, which include: legal norms, legal relations, individual normative legal acts, as well as legal consciousness and legal culture[4].

This approach, in our opinion, is important in the theoretical justification of legal policy related to minors. In particular, this opinion shows that not only legislative norms, but also socio-psychological factors such as legal awareness and culture play an important role in the protection of minors. Therefore, the system of criminal-legal protection should be formed on the basis of a comprehensive approach, including not only repressive measures, but also educational, normative-educational, and cultural means. This is one of the urgent tasks of the rule of law on the path to the formation of a harmoniously developed citizen.

A.A. Stokov, in his scientific views, interprets the concept of criminal-legal protection of minors in a broad sense. According to it, such protection includes norms, legal sanctions, and mechanisms of legal responsibility that serve as a means of guaranteeing subjective rights and legitimate interests within the framework of the child's developing personality[5, pp 204-205].

In A.A. Stokov's opinion on the issue of criminal-legal protection of minors, it is noted that this protection is mainly carried out through legal norms, sanctions, and liability mechanisms. However, from our point of view, such an approach has a very narrow and one-sided interpretation. Because the issue of ensuring the rights and interests of minors should be resolved not only through legal sanctions, but also through the combination of socio-pedagogical, psychological, and moral-cultural means. Criminal-legal policy should focus on preventive and restorative mechanisms, especially when working with minors. Otherwise, it will become a repressive system based solely on punishment, limiting the possibility of social reintegration.

As E.S. Alisievich noted, in international legal documents and national legislation in various spheres, minors are recognized as a vulnerable social category of the population in need of protection. This approach is primarily due to their age-related psychophysiological characteristics, the lack of legal awareness, and the inability to independently defend their rights, which requires a special approach and guarantees from the state[6, p-3].

The opinion of E.S. Alisievich that in international legal documents and national legislation minors are recognized as a vulnerable category of the population in need of protection, undoubtedly, constitutes an important theoretical point in the justification of

legal policy. However, in our view, this approach has a very general character and, due to insufficient analysis of practical mechanisms, does not fully pave the way for the formation of effective institutional systems. Because interpreting minors only as a "weak category" reduces the need to develop their activity, ability to express themselves socially, and legal subjectivity to the second level. Therefore, modern legal policy should be aimed not only at protecting, but also at supporting the legal activity of minors, creating opportunities that serve their legal socialization. This creates the need to consider them not only as needing protection, but also as active subjects of the legal system.

Therefore, in state policy on the prevention of crimes against minors, their legal protection, and reintegration into the social environment, two main approaches should be harmonized: the first is protective, that is, strengthening special criminal-legal mechanisms for the protection of minors from crimes and violence; the second is activating, that is, the implementation of educational and institutional measures that increase their legal awareness, legal activity, and social responsibility.

In such a systematic approach, minors should be considered not only as a "protected object," but also as a socially active subject participating in legal processes, aware of their rights and obligations. This requires a new formulation of state policy not only at the repressive and preventive level, but also at the stage of legal socialization and the development of cultural consciousness.

It is also possible to comprehensively strengthen the legal status of minors by harmonizing existing legal mechanisms with practice, bringing national legislation closer to international standards, and ensuring close interaction between education, healthcare, the judicial system, and mahalla institutions. Such a strategic approach plays an important role in the formation of a legal democratic state and a strong civil society in the country.

In the Republic of Uzbekistan, the issue of protecting the rights and legitimate interests of minors from criminal encroachments is considered as a priority strategic task in ensuring the principles of social stability and the rule of law. Analysis shows that for the system of regulatory legal acts and practical mechanisms adopted in this area to work sufficiently effectively, it is necessary to improve them on a multidisciplinary basis - combining legal, psychological, pedagogical, and social factors.

Crimes against minors represent a complex threat that threatens not only individual negative consequences, but also the moral and social structure of society. Therefore, in state policy, it is necessary to strengthen the principle of recognizing this category not only as a protected object, but also as a conscious, socially responsible, and active subject of the legal system.

Based on the analysis of the theoretical views put forward and international experience, the following conclusion can be drawn: in the fight against juvenile delinquency, repressive measures based on punishment alone are not enough, but it is necessary to act on the basis of a comprehensive policy that includes approaches aimed at raising legal

culture, preventive and social rehabilitation. Only then can the criminal policy of the state serve true social justice, sustainable development, and a healthy legal environment.

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