

The Concept of Human Trafficking and its Social Danger

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Abstract:

Human trafficking is a common crime and occurs in all countries of the world. This limits the land of the so-called existence of man, tramples the honor of honor. In this regard, it is necessary to identify the crime of trafficking in human beings, to show the inevitability of punishment by bringing the perpetrators of this crime to criminal responsibility, to prevent it, to minimize the consequences, to take preventive measures against victims of trafficking in human beings.

Keywords: human, human trafficking, crime, danger, code, exploitation, transnationality.

As is known, Article 13 of the Constitution of the Republic of Uzbekistan states that “democracy in the Republic of Uzbekistan is based on universal principles, according to which life, freedom, honor, dignity and other inviolable human rights are the highest value. ” It is determined that their rights and freedoms are protected by the state.

In Uzbekistan, our state is taking gradual and specific measures to combat the illegal use of people, their illegal labor migration and human trafficking.

However, one of the forms of organized transnational crime, which is rapidly developing today, is the illegal use of people and human trafficking[1].

This problem is multifaceted, and its solution requires a multifaceted approach. The recruitment of people for international exploitation, also known as human trafficking, is similar to profitable crimes related to weapons and narcotic drugs or psychotropic substances in that organized criminal activity is highly profitable, and the methods of implementation are highly secretive and dangerous.

In this point, we agree with the opinion of lawyer A. Sharofutdinov that the commission of these crimes not only infringes on the honor and dignity of a person, but also causes great damage to the reputation of our country at the international level [2].

It should be noted that human trafficking is one of the largest global problems today. According to lawyer M.A. Radzhabova, three of the most dangerous types of transnational organized crime are "inherited" from the last century into the 21st century – terrorism and the use of violence under the guise of religion, that is, extremist, fundamentalist, separatist attacks. Next in line is the drug business and, finally, large criminal organizations involved in human trafficking and human trafficking[3].

Human trafficking is a widespread crime and is committed in all countries of the world. This is because this crime is the third most profitable crime in the world. Thus, the freedom of the so-called person is limited, his dignity and value are reduced. Therefore, it is necessary to identify the crime of human trafficking, show the inevitability of punishment by bringing to justice those guilty of this crime, prevent it, minimize its consequences, and take preventive measures against the victim of human trafficking.

Human trafficking is an extremely dangerous and inhuman form of criminal activity. Abuses are manifested in the fact that this crime is committed in forms similar to slavery. In addition, exploitation of a person, sale as a "commodity", since it is associated with making a profit by using the human factor, acquires a humiliating content.

The English name of this type of activity has passed unchanged to many languages of the world. In particular, in international criminal law, the term "human trafficking" is used for this type of criminal activity. In fact, "Traffic" comes from the Latin word "**traffiso**", which was originally coined by the Italians. "Traffico" in Italian means "trade", "trade" [4]. Initially, this term was used in the form of "tab-traffic" and was used in the meaning of tobacco trade, tobacco trade. Later, the Italians called it "traffic" for brevity. In fact, the word "traffican" came from this root, that is, the owner of a shop that trades, and the word "merchant" came from this root [5]. The definition of the concept of human trafficking and responsibility for this crime are given in Article 135 of the Criminal Code of the Republic of Uzbekistan in connection with the adoption of the Law of the Republic of Uzbekistan of April 17, 2008 "On Combating It". Human Trafficking", this article in a new edition has been added to the Criminal Code of the Republic of Uzbekistan.

The previous version of Article 135 of the Criminal Code of the Republic of Uzbekistan provided for liability only for the recruitment of people by deception for the purpose of exploitation and did not cover the range of criminal acts related to human trafficking mentioned in international legal documents. In practice, such a situation could not ensure full protection of freedom, honor and dignity of citizens. In addition, unlike the UN Convention on the Traffic in Persons for the Purpose of Exploitation of Prostitutes of 1949, the new version of Article 135 of the Criminal Code of the Republic of Uzbekistan provides for special liability for the exploitation of people for any purpose[6]. The crime of human trafficking, provided for in Article 135 of the Criminal Code of the Republic of Uzbekistan, is one of the crimes directed against the freedom, honor and dignity of people. Human trafficking is the recruitment, transportation, transfer, concealment or acceptance of a person for the purpose of buying, selling or exploiting a person - by kidnapping, using force or threat of using force or other forms of coercion, by a group of persons in advance, from the position of official activity, which includes such actions as transporting the victim across the State border of the Republic of Uzbekistan or illegally detaining him abroad, using forged documents, obtaining, concealing or destroying documents certifying the identity of the victim, cutting, removal of human organs, transferring them to another person (transplantation) is a socially dangerous act [7].

Human trafficking is one of the forms of transnational organized crime that threatens a person, his honor, dignity, peaceful life and future. It causes great anxiety and concern for everyone due to the lack of borders and the fact that it attracts mainly young people and young women. Here is just one example: according to the UN, in 2014, 51% of victims of human trafficking in the world were women, 21% were men, 20% were underage girls and 8% were children[8].

I.B. Fazilov defines human trafficking as follows: "Human trafficking means the hiring, transportation, acceptance, concealment or retention of a person for the purpose of committing an illegal transaction or exploiting a person"[9].

In the Convention against Transnational Organized Crime, adopted by the UN General Assembly on 15 November 2000 by its resolution No. 55/25 (this international document was ratified by the Republic of Uzbekistan on 28 June 2001), the concept of Human Trafficking is defined as follows: "Trafficking in persons – the recruitment, transportation, delivery, harbouring or use of other means of violence based on intimidation of persons for the purpose of exploitation or other means of coercion, theft, extortion, fraud, abuse of power or acquisition by use of an official position means introduction" [10].

Human trafficking is any action or purpose involving the recruitment of an individual (or group) within or across borders, including the sale, purchase, transfer, profiting from such actions or simply returning such a person for subsequent use. detention by deception or coercion (using force or threat of force), as well as for the purpose of taking advantage of an official position, as well as holding a person against his will in a state of servitude, regardless of whether he pays or not[11].

Human trafficking is assessed by the international community as an act that threatens the well-being of an individual, family and society [2].

According to the above definitions and concepts, human trafficking includes the following types of behavior:

- a) kidnapping people using physical force, psychological pressure, deception, fraud with the purpose of their use;
- b) recruitment, transportation, transfer, concealment or receipt of kidnapped or deceived persons;
- c) exploitation of a person's financial difficulties and his benefit through material interest;
- d) abuse of power with the purpose of creating favorable conditions for human trafficking;
- e) use of prostitutes for the purpose of human trafficking;
- f) extortion from one's relatives (parents, guardians or trustees, husband or wife or other close relatives) with the purpose of using children and women in human trafficking;
- g) dissection of human organs or tissues;
- h) justification is understood as actions that bring a person to a state of involuntary or slavish.

Human trafficking means the recruitment, transportation, transfer, concealment or acceptance of a person for the purpose of buying, selling or exploiting a person.

The Law of the Republic of Uzbekistan "On Combating Human Trafficking"[13] of April 17, 2008 defines the concept of "human trafficking" as "recruitment", "transportation", "transportation", "concealment", "accepting" actions (form of action).

That is, according to Article 3 of the Law, human trafficking is the threat or use of force or other forms of coercion, theft, fraud, deception, abuse of power or the use of circumstances, or payments or the interest of persons in the Recruitment, transportation, transfer, concealment or acceptance of people for the purpose of exploitation by extortion in order to obtain the consent of a person who controls another person. Exploitation of a person means the exploitation of prostitution or other forms of sexual exploitation of others, forced labor or services, slavery or slavery-like practices, forced treatment or removal of human organs or tissues.

Let's talk about some terms used in the field of human trafficking. The Uzbek legal term "Recruitment of people for their use", which is often used in the field of human trafficking, does not fully correspond to its Russian text. In particular, the word "exploitation" in the Russian edition is

used as "use" in Uzbek. The word "use" literally means voluntary participation in some useful work. "Exploitation" is the use of human power, the forced use by owners of the means of production as a result of appropriation of the products of someone else's labor [14]. Thus, the word "exploitation" is completely different in meaning and content from the word "use". Therefore, in our opinion, when expressing this concept of crime in the Uzbek language, it is appropriate to use the word "exploitation". Therefore, in the eighth section of the Criminal Code of the Republic of Uzbekistan, known as the "Legal Meaning of Terms", exploitation of people is "Using the prostitution of other persons or other forms of sexual exploitation of them, forced labor or services, slavery or customs similar to slavery, forced bringing to a state or removal of human organs or tissues," it is cited. As for the concept of "recruitment", in this regard, when speaking about this crime, in many legal publications, some scientists used the concept of "recruitment of people" instead of the concept of "recruitment of people" [15].

In our opinion, the concept of "smuggling people" is incorrect, since the subject of this crime is specifically indicated in Article 246 of the Criminal Code of the Republic of Uzbekistan. According to it, contraband includes highly toxic, poisonous, radioactive, explosive substances, explosive devices, weapons, firearms or ammunition for them, as well as narcotic drugs or psychotropic substances, or materials promoting religious extremism, separatism and fanaticism. Therefore, we cannot consider it correct to include a person directly in the subject of this crime. In addition, human trafficking, that is, the purchase and sale of a person, is a separate criminal offense.

The crime of human exploitation is interpreted differently by Russian legal scholars. In particular, V. B. Shakin stated that the basis of such a crime is the legal or illegal removal of a person from the territory of the state for subsequent sale or attraction for sexual purposes [16]. But we partially agree with this opinion, since this type of crime, along with the above-mentioned cases, in most cases is committed by deception, abuse of trust of the victim, we believe that the deceived person can be attracted to any kind of coercion. labor not only for sexual purposes.

According to E.V. Evstifeeva, "actions to involve the victim in forced labor, recruitment for sexual purposes, physical and mental torture are all necessary signs of the crime of human trafficking" [17].

This definition is also incomplete, since, firstly, the sale of people can only take place after their preliminary involvement for exploitation. Secondly, victims recruited by recruiters are not always sold, but victims can be exploited by the recruiters themselves.

One of the Uzbek researchers I.Yu. Fozilov expressed his opinion on this matter and proposed to supplement the disposition of the first part of Article 135 of the Criminal Code of the Russian Federation with the words "Detention of a person for the purpose of exploitation". Republic of Uzbekistan[18].

If we cite an example from judicial practice on this matter, then citizen D., living in the city of Samarkand. In order to use citizens of the Republic of Uzbekistan for sexual purposes on the territory of Turkey, citizen N. and B. as a group, having previously formed a criminal conspiracy, in early April 2017, citizen D. M., who is listed in house 2/70, house 2/70, city of Namangan, Namangan region, through the Telegram website. On April 27, 2017, citizen M. When he arrived in Turkey on the route "Tashkent-Istanbul", D. was received and handed over to citizens N. and B. to engage in sexual relations with citizens of Turkey for a fee, so that citizen N. took away from the citizen the citizen's passport belonging to M. and a plane ticket to return to Uzbekistan, demanded that he engage in prostitution, paid 2,200 US dollars if he did not want to, and illegally held him in an apartment located in the city of Istanbul, beat him and used violence against him, and also forced her to engage in prostitution from April 27, 2017 to May 19, 2017 under the threat of violence [19].

The commission of a socially dangerous act qualified as human trafficking is a complex and lengthy process. If we take into account that crime is considered as a special form of organized crime at the

international level, then terrorism, arms trafficking, human trafficking, aggression, genocide, etc. have a high social risk. According to Yu. M. Buryak, human trafficking is committed in most cases by organized criminal groups and is of international significance. He developed a mechanism for committing such a crime, which has the following forms: 1) recruitment of victims of crimes; 2) execution of the necessary documents for removal abroad; 3) their movement within the country or abroad; 4) use of methods of exploitation of conscripts. These methods include: a) economic dependence; b) confiscation of a civil passport or identity documents of the victim; c) prohibition of the use of personal rights; g) prohibition of medical examination; d) intimidation of family members or exertion of pressure on them; e) physical and moral oppression of the hired person; j) accustoming him to drink or take drugs. 5) send him back to his country or sell him to another recruiter[20].

The growth of human trafficking and human exploitation crimes worldwide is explained by a number of factors, including the globalization of trade and economic relations, the deterioration of the socio-economic status of women in society, and the profitability of the related "business". Crime, state social - this includes cases of slow economic development and, in some cases, aiding and abetting of criminals by officials[21]. Another socially dangerous aspect of human trafficking is that this criminal activity increases the activity of not only criminal groups in the territory of one country, but also international criminal associations. Human trafficking in a short period of time moves from small and fragmented criminal groups to highly integrated international criminal syndicates and gangs. In conclusion, we note that the social danger of human trafficking, its threat to the national security of the Republic of Uzbekistan and its prevention require protection by national and international legislation.

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