



THE CONCEPT OF “HUMAN TRAFFICKING” IN THE LEGISLATION OF FOREIGN COUNTRIES

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Аннотация. В статье приводится краткий теоретический сравнительный анализ зарубежного уголовного законодательства связанного понятием «торговля людьми».

Ключевые слова: кодекс, торговля людьми, диспозиция, вербовка, купля-продажа, эксплуатация, обман, угроза, вывоз, ввоз, принуждение.

Annotation: The article provides a brief theoretical comparative analysis of foreign criminal legislation related to the concept of “human trafficking”.

Key words: code, human trafficking, disposition, recruitment, purchase and sale, exploitation, deception, threat, export, import, coercion.

Izoh: Maqolada fuqarolarning davlat organlariga murojaat qilish huquqlariga oid xorijiy konstitutsiyaviy qonun hujjatlarining qisqacha nazariy qiyosiy tahlili berilgan

Kalit so'zlar: Maqolada “odam savdosi” tushunchasi bilan bog‘liq xorijiy jinoyat qonunchiligining qisqacha nazariy qiyosiy tahlili keltirilgan.

In the modern world, human trafficking is one of the most massive violations of human rights and freedoms, and also poses a real threat to the national security of not only the Republic of Uzbekistan, but also other countries, and in this regard, countering this type of crime is an urgent problem.

Today, the fight against trafficking, as one of the most serious manifestations of transnational organized crime, is an important task all over the world. Of course, human trafficking is recognized by international law as one of the most dangerous types of transnational organized crime in order to generate criminal income. Therefore, the growth of illegal migration and human trafficking is of serious concern to the world community.

Human trafficking is, as noted above, an urgent social and legal problem for all countries. In our republic, ensuring stability and peace, strict observance of human rights and freedoms is one of the necessary conditions for achieving the goals of the ongoing large-scale reforms in all spheres. The level of such provision depends on the availability of appropriate means, legality, validity and reliability of the forms and methods of their use.

The current stage of development of the Republic of Uzbekistan is marked by profound political, socio-economic, demographic and legal innovations. In the context of building a democratic State, legal means become a reliable tool for strengthening the rule of law. An important aspect of solving the problems of combating crime is the creation of an effective regulatory framework.

The main task of building a legal democratic state required bringing legislation into line with the

requirements of international legal acts [1, 332 p.]. It should be noted that these crimes are among the conventional ones. "The first International Convention on the Abolition of Slavery and the Slave Trade was concluded in 1926. In article 1 of this act, slavery was defined as "the condition or position of a person over whom the attributes of property rights or some of them are exercised." The Universal Declaration of Human Rights, approved by the UN General Assembly on December 10, 1948., declared in Article 4: "No one should be held in slavery or servitude; slavery and the slave trade are prohibited in all its forms." The European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 [2]. in paragraph 1 of Article 4 reproduces this formula." The content of the constitutional provisions also corresponds to the Universal Declaration of Human Rights of December 10, 1948 [3], the International Covenant on Civil and Political Rights of December 16, 1966. In recent years, these issues have been discussed by the Council of Ministers of the Interior of the countries

Today, such a phenomenon as human trafficking is an integral part of transnational organized crime and has spread in the modern world so much that, according to experts from the United Nations and the International Organization for Migration, the number of its victims is in the millions.

The ratification of these international documents presupposes obligations in the field of combating human trafficking, the implementation of which is given high importance, including within the framework of the implementation of the Development Strategy of the new Uzbekistan for 2022-2026, the strategy "Uzbekistan- 2030" [4].

The inclusion of the norm in question in the Criminal Code of the Republic of Uzbekistan complies with international standards and creates a legal basis for criminal prosecution for violation of the established prohibition.

In the educational and scientific literature, in the codes of foreign countries, more than a dozen definitions of "human trafficking" can be found, which sometimes differ greatly from each other. Various special regulatory legal acts have been adopted and are in force in foreign countries.

Let's consider the legislation of the Republic of Kazakhstan. In accordance with Article 128 of the Criminal Code of the Republic of Kazakhstan dated July 3, 2014 No. 226-V SAM. Article 128. "Human trafficking is the trade or commission of other transactions with respect to a person, as well as his exploitation or recruitment, transportation, transfer, concealment, receipt, as well as the commission of other acts for the purpose of exploitation." Very interesting changes were made to the code later "Acts committed for the purpose of export outside the Republic of Kazakhstan, import into the Republic of Kazakhstan or transportation of a person through the territory of the Republic of Kazakhstan from one foreign state to another, as well as export outside the Republic of Kazakhstan, import into the Republic of Kazakhstan or transportation of a person through the territory of the Republic of Kazakhstan from one foreign state to another State in order to commit such acts" [5].

A peculiar approach was made by the legislator in the Criminal Code of the Republic of Belarus No. 275-Z. dated July 9, 1999. The disposition of Part 1 of Article 181 itself contains the concept of human trafficking (highlighted by M.H.), despite the fact that the article itself is called "Human trafficking" [6]. Of course, of course, the question of the actual structure of the norm is debatable.

In our opinion, a similar article in the Criminal Code of Turkmenistan looks broader and more rational. The disposition of Part 1 of Article 128 of the Criminal Code of the Republic of Turkmenistan states: "Human trafficking, that is, recruitment, transportation, transfer, concealment or receipt of a person by threat, coercion, deception, abuse of trust or vulnerable position of a victim of human trafficking, or bribery of a person, carried out regardless of the consent of the victim for the purpose of her exploitation, depending on which it is located, as well as the purchase and sale of a person or the commission of other illegal transactions in relation to him, in which he is considered as an object of property" [7].

In our opinion, the disposition is very controversial of Part 1 of Article 127 of the Criminal Code of the Kyrgyz Republic dated October 28, 2021. In accordance with Article 127, "Human trafficking is, their recruitment, transportation, concealment, reception or transfer, carried out with or without their consent, by threat, use of force or other forms of coercion, blackmail, kidnapping, fraud, deception, for the purpose of exploitation" [8].

Thus, by conducting a theoretical analysis of the concepts included in the codes and using logical rules for postulating concepts, it is possible to determine the understanding of "trading people". In our

opinion, "trafficking in persons" is the purchase and sale or combination of these achievements in relation to a person, regardless of the consent of men in general, her exploitation of recruitment, transportation, transfer, harboring or receiving a person by threat, coercion, deception, abuse of trust or vulnerable execution of victims trafficked by people, or bribery in which she it is considered as an object of ownership ."s

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