



PSYCHOLOGICAL CHARACTERISTICS OF THE VICTIM IN THE CRIME OF HUMAN TRAFFICKING

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Abstract: This article describes the psychological characteristics of the victim of human trafficking and the scientific theoretical aspects of the measures taken with them.

Key words: Human trafficking, crime, victim, identification, legal aid, psychological methods.

Introduction.

Today, the fight against human trafficking, which has become a serious problem of our century, requires international, regional, multilateral and bilateral relations. Until now, in order to combat and prevent this type of crime, a number of international recommendatory and mandatory documents of the United Nations have been adopted, and within the framework of them, appropriate measures are being taken on a global scale against this threat.

Unfortunately, despite such comprehensive activities and appropriate propaganda, every year millions of people become victims of "modern slavery", i.e., human trafficking. It is sad that there are women, old people and even young children among them. One of the main factors driving the development of this crime is that people do not have enough information about going abroad and getting a job. It's a pity that people who have fallen into a foreign country and a foreign environment are hired for hard physical labor in search of low income, and women are forced to do menial and vulgar work.

Today, human trafficking is unfortunately on the rise worldwide. The state and dynamics of crimes recorded so far are evaluated based on statistical indicators without taking into account the real victims of crime and the damage caused by them. In our opinion, the identification of so-called "risk" groups (ie, potential victims of homicide) between the study of victims of intentional homicide crimes with and without aggravating circumstances is necessary for the development of a targeted program in this regard. Protection of victims, as well as measures for the prevention of crimes of intentional homicide, the need to define the concept of the victim of the crime of intentional homicide, a number of characteristics of a certain category of persons that allow to assess a certain person as a potential victim due to its existence.

Trafficking is the use of force, threat or use of force or other forms of coercion, kidnapping, fraud, deception, abuse of power, or the use of leverage, or payments or payments to obtain the consent of a person who controls another person. Recruiting, transporting, transferring, concealing or receiving people for the purpose of using them by extortion. Human exploitation refers to the exploitation of the prostitution or other forms of sexual exploitation of other persons, forced labor or services, slavery or slavery-like practices, involuntary treatment, or removal of human organs or tissues.

A person affected by human trafficking is a natural person who is affected by human trafficking, regardless of whether or not he consented to such an act and whether or not he participated in the criminal proceedings.

A person suspected of being a victim of human trafficking has the right to receive temporary shelter, medical, psychological, legal assistance and other necessary assistance, as well as to use the services of an interpreter free of charge. He will be given a period of not less than 30 days (from the time of application) to recover physically and psychologically and to make a decision on cooperation with law enforcement agencies in connection with the crime committed against him.

The final identification by the regional commissions is carried out after the collegial determination and clarification of the necessary circumstances. Based on the results, a decision is made to recognize or refuse to recognize a person as a victim of human trafficking. In this case, it is necessary to observe the deadlines for considering appeals. Human trafficking is one of the forms of transnational organized crime that threatens a person's dignity, value, peaceful life and future. is shooting

In the Ministry of Internal Affairs of the Republic of Uzbekistan and its subordinate systems, criminal cases related to human trafficking are qualitatively, fully and objectively investigated, the actions of criminals are given a special legal assessment, and the inevitability of punishment for the crime is ensured.

Today, a number of organizational and practical activities are being carried out in the territory of the republics on the basis of gathering indicators for the fight against human trafficking, analyzing them, and coordinating the work of the employees of the lower system in this regard.

Practice shows that victims of human trafficking in our country are mainly related to population migration. Many citizens continue their actions, knowing that they may end up in such a situation.

When talking about the victim, the Criminal Law does not define this concept, it is given in the Code of Criminal Procedure of the Republic of Uzbekistan. A victim is a person who suffered moral, physical or property damage as a result of a crime, as well as a legal entity in the event that the crime damaged his property and business reputation. The investigator, investigator and public prosecutor make a decision to recognize a citizen as a victim, and the court issues a ruling. However, it should be noted that if the damage was caused by murder, this concept will undoubtedly be narrower in relation to criminal law. It is known that the relatives of the murdered person also participate as victims in the criminal proceedings. If we talk about the victim as a victim of murder, then only physical harm can be inflicted on him (in the form of intentional deprivation of his life).

In criminal law, the concept of victim is important, firstly, in determining the scope of criminal responsibility, and secondly, in differentiating and individualizing criminal responsibility. In crimes such as manslaughter, the inclusion of characteristics that describe the victim's personality or behavior serves this purpose.

The victim has certain characteristics in criminal law:

1. The victim of the crime of intentional homicide is a person, because the harm from the commission of this type of crime can only be inflicted on a person. In this case, the object of aggression is nothing but human life. To be recognized as a victim of murder, one does not have to reach a certain age, be of sound mind, or have any other characteristics. Manslaughter

is the intentional killing of another person, regardless of age, gender, health, citizenship, nationality, race, religion, etc.

2. The victim is a person who has suffered physical, property, legal or moral damage. It follows from the above that the concept of the victim is inextricably linked with the concept of damage. Where there is no harm, there is no victim and there cannot be. Physical damage is caused directly to the victim of the crime of intentional homicide and is expressed in the form of his death, moral damage may be caused to the relatives and friends of the victim of the crime of intentional homicide, but not to the victim himself.

Damage to the victim always means a violation of social relations in which the victim is a participant. This makes it dangerous not only for the victim, but also for the whole society, that is, socially dangerous. In procedural literature, there is no consensus on recognizing a person whose life was attempted as a victim. In criminal law, any person (regardless of age, mental state, other factors) can be a victim. However, as noted by D. B. Bulgakov, it is unlikely that a person will be recognized as a victim if he is not threatened with real harm. It seems that if the criminal was only preparing to take the life of the potential victim and took the weapon for that purpose, it is very fair to murder. According to L.D. Komorov, the recognition of such persons who take a different position as victims is justified by the presence of an attack on the interests of the individual both in the preparation of the crime and in the attempt to commit it. In our opinion, this point of view is contradictory from the point of view of preparation for the crime, because at this stage of the crime, actions aimed at causing direct harm have not yet been committed, so the victim is objectively not here.

The problem of human trafficking has attracted scholars since the 18th century. However, representatives of the classical scale of criminal law, Jeremiah Bentham, Cesare Beccaria, and the positivist Rafael Garofalo, regardless of their disagreement about the causes of crime and the nature of criminal behavior, considered such categories as "criminal" and "victim". At the end of the 19th century, F.T. Yas and A. Feerbach described the study of the motives of murder in the books "Human Trafficking" and "Documentary Records of Famous Crimes". In addition to criminal issues, both authors address the victim, who is partially (along with the criminal) responsible for the murder from a moral perspective, thus noting the victim's direct influence on the murderer. In the 19th century, representatives of the scientific direction called "internationalism" analyzed all criminogenic factors and emphasized the important role of the victim in committing a crime. Representatives of this movement, A. Fattah and A. V. Allen, demanded to study the psychological and psychophysical sphere of the victim, they considered this need to be of great importance for the practice of combating murder.

A gradual shift in public opinion to the problem of the victim of crime will begin to shape other approaches to balancing the positions of criminals and victims. In 1941, the work of the German criminologist Hans von Gentig "Notes on the interaction of the criminal and the victim" appeared, in which the author contrasted these views.

In our opinion, in the dynamic concept of criminal behavior, the victim should not be considered a passive object, he is an active subject in the formation of the crime, who participates in the commission of the crime and sometimes instigates it.

L.V. Frank first introduced the term "victimhood" into scientific circulation and defined it as follows - it is the ability of certain individuals to become a victim, or, in other words, the inability to avoid an objectively possible criminal attack. (Note that when we study the causes

of homicide, we are interested in the individual victim as a characteristic of the victim's personality.) Initially, L.V. Frank defined individual victimization only as "propensity to commit a criminal act," which we believe is an inaccurate formulation because it takes potential victims who are carriers outside the scope of the study.

L.V. Frank, who criticized the definition proposed by V.I. Polubinsky, says that individual victimization is the understanding of the characteristics of a certain person, determined by his social, psychological or biophysical qualities (or their combination), which contribute to the formation of conditions in a certain life situation. He came to the conclusion that it is necessary.

The uniqueness of the victim as a socio-psychological type is that he is the carrier of internal psychological reasons for the victim's behavior, and under certain external conditions such behavior can be carried out on the basis of negative and positive motives.

In our opinion, it is fair to say that a victim's behavior can be positive or negative, but there can always be a deviant who goes beyond the "safe norm". The starting point for the characterization of victims should be to ensure that a person deviates from the safety norm beyond the boundaries of this conditional area (security area), which objectively ensures the prevention of harm to him.

Based on the above situation, we can distinguish the following types of behavior of victims of intentional human trafficking according to the degree of deviation from safe behavior and, as a result, the level of triggering the criminal in a certain way.

Aggressive type. This includes persons who have shown clear aggression towards the criminal and provoked him to commit murder. This type is distinguished by its own characteristics, which have developed over a period of time and have become relatively stable. These young people (25-30 years old), male, tend to drink alcohol (or drugs) and were in a close relationship with the criminal at the time of the crime. In this case, the killer and the victim are united by a common social environment characterized by low moral standards. The social role of this type of victim is characterized by instability. To a large extent, the characteristics of the type of victims correspond to the characteristics of criminals.

Enterprising type. The actions of these types of representatives do not have an illegal direction, but due to the powers given to them, these persons are obliged to act in a certain way that encourages the criminal to commit a crime. Talking about a complaint against a person who has acted lawfully (for example, trying to prevent a crime) risks committing murder. In this case, the victim acts as a legal deterrent to the killer's criminal outcome. These are persons aged 40-50 with an average social status, positively described and faced with the killer due to existing conditions.

A passive arousal type. This includes persons who cannot (positively or negatively) influence the development of the criminal situation due to objective or subjective reasons (for example, being in a helpless state). Thus, they become victims of the crime of intentional homicide. These are the elderly, women, minors and others.

Random trigger type. This includes people who are unaware of the provocative nature of their actions, accidentally, for example, caught in the act of committing a crime and, as a result, become unwanted witnesses. In this case, the victim does not take any active actions (relative to the type that triggers the initiative).

Neutral type. This includes victims whose behavior is otherwise impeccable, but certain personal characteristics of the victim are perceived as provocative by the perpetrator. The proposed type can be interpreted very broadly, because here the vulnerability of the victim

depends on the goals, motives and direction of the personality of the criminal. This type can be illustrated by the following example.

According to the level of victimization, the following types can be distinguished:

The exact type. The victim is a carrier of certain relatively stable negative or positive social, moral, psychological and sometimes physiological characteristics, which are manifested externally and have the highest level of victimhood.

Potential type. The victim characteristics of such victims are determined to a greater extent depending on the developing situation of the murder. If the type we described earlier is characterized by the presence of well-defined characteristics related to all structural elements of a person, then such characteristics are specific to the individual characteristics of the victim and have a less defined character.

A hidden type. This type is characterized by the lowest level of victimization. The decisive role in causing the death of this type of victim belongs to the killer's personal characteristics (the stability of his antisocial relationships, mental characteristics, etc.).

Conclusion:

In a socio-psychological sense, the content of the concept of intentional human trafficking is its status (rights, obligations, the scope of activities within and outside the criminal process), its position (the relationship between the victim and the criminal related to its behavior) and its role in the mechanism of the criminal process. This role can be active or passive, conscious or unconscious, decisive or secondary. It can be limited to the case of direct harm and is the most important element in the formation of a criminal.

Thus, the difference in the concepts of the victim in criminal procedure, criminal law and victimology is very clear, which is related to the functional difference of the established categories. From the victimological point of view, the victim is a direct victim of the crime. Therefore, the point of view of combining the concepts of the victim and the victim as a person who suffered moral, physical or material damage or was damaged as a result of the crime is controversial legal rights, because from the point of view of victimological research, the personal characteristics of the victim are in the genesis of the criminal behavior of the killer. loses its importance. When studying the victimological characteristics of a person, it is the most correct way to work with both concepts.

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