



PREVENTION OF JUVENILE HOOLIGANISM: IMPROVEMENT STRATEGIES BASED ON NATIONAL AND INTERNATIONAL EXPERIENCE

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Abstract: This article analyzes the measures being implemented to prevent juvenile delinquency in the form of hooliganism, their effectiveness, and the legal framework governing such actions. It examines the legal challenges in sentencing minors, inconsistencies in specific legal provisions, and the application of corrective labor and conditional sentencing. Drawing on the experiences of countries such as the USA, Germany, and Japan, the article identifies effective prevention strategies. The author presents practical proposals for improving the prevention of juvenile hooliganism through legal, social, moral, and innovative mechanisms.

Keywords: juveniles, hooliganism, crime, prevention, criminal code, punishment, corrective labor, conditional sentencing, international experience, innovative models.

Before examining the issue of preventing juvenile delinquency, it is necessary to analyze the measures taken in this area in our country in ancient times. These measures were aimed at shaping the moral and social teachings of young people and reducing their inclination towards crime.

In ancient society, the family, mahalla, and community played a significant role in the upbringing of youth. The guidance of elders and cooperation with the public play an important role in crime prevention. Even today, the use of these historical and educational methods contributes to effectively combating crime under modern conditions.

For example, in the Avesta, tribal chiefs or elders were called "nimanapati." "Nimana" meant a large family, and "nimanapati" meant the head of a large family. Each family consisted of 20-25 members. "Vispati" means head of the council, tribal elder, or leader of a large village. These chiefs and elders possessed great power and authority. They were given the right to solve all problems related to community life. Their orders and instructions were considered law for community members. They were directly responsible for matters such as establishing order in the tribe and ensuring the safety of those in the community.[1]

Also, in "Temur's Code," the great Sahibkiran Amir Temur stated the following about fighting crime in his lands: ..."I ordered that thieves and robbers be punished according to the 'Yasa,' and corrupt and immoral people be expelled from the country. Let idle people not remain in cities and provinces. Let guards be appointed to every city and village, and also guard the army and subjects. If anyone's property is stolen, they shall bear responsibility for it. And I also ordered that guards and officers be appointed along the roads, responsible for delivering the goods of travelers, merchants, and wayfarers to their destination on the great roads. If someone's property is lost, if someone is killed, or if another crime occurs on the road, the responsibility lies with them." [2]

From this, we can see that in Amir Timur's state, great attention was paid to maintaining order and discipline and implementing special measures to combat crime.

The fight against crime has always been considered one of the priority tasks of the state. However, it is impossible to completely eradicate crime in society. Indeed, as Yu.M. Antonyan noted, "crime cannot be completely eradicated; it can only disappear together with society"[3]. Also, according to H.T. Odilkoriev and I.T. Tulteev, "completely eradicating crime is not a realistic goal in the fight against it; depending on its state and conditions, the fight can be effective or ineffective," which means that the complete eradication of crime is a complex and unrealistic goal in practice.

Currently, comprehensive measures are being implemented in our country to prevent and combat juvenile delinquency, especially hooliganism. In particular, "a new system for the prevention of offenses and the fight against crime - 'Safe City,' 'Safe Tourism,' 'Safe Home' - has been introduced, and a 24-hour patrol service has been organized"[4]. Additionally, "the introduction of 'Crime Prevention Day,' the creation of modern means of transport and communication, the improvement of technical support, and the installation of video surveillance devices in public places"[5] are also proving very helpful in this regard.

However, despite the results achieved, as President Shavkat Mirziyoyev noted, "effectively addressing the issue of crime prevention remains one of our priorities," since "even a single crime should concern all of us"[6].

Based on the conducted scientific research, analysis of practical activities to prevent juvenile delinquency, as well as S.B. Khodzhakulov's "scientific conclusions and recommendations for improving the prevention of offenses"[7], we consider it expedient to further improve the crime of juvenile delinquency in the following areas:

The first direction is the elimination of gaps, shortcomings, and inconsistencies in regulatory legal acts on the prevention of juvenile delinquency.

In accordance with the Presidential Decree of 2018 "On Measures for the Fundamental Improvement of the System of Criminal and Criminal Procedure Legislation"[8], the task was set to develop a new version of the Criminal and Criminal Procedure Codes, which requires the consistent continuation of reforms.

In the current conditions, when new drafts of the Criminal and Criminal Procedure Codes are being developed, we believe it is necessary to eliminate existing shortcomings and contradictions between norms on the criminal liability of minors, as well as to make appropriate amendments and additions to the new edition of the Criminal Code.

1. Section VI of the Criminal Code, dedicated to the "Specific Features of the Liability of Minors," defines the types of punishments, their maximum amount, and the conditions for exemption from liability. Article 81 of this Code provides for punishments that may be applied to minors - fines, compulsory community service, correctional labor, restriction of liberty, and imprisonment. Articles 50 and 51 of the Code also stipulate that long-term or life imprisonment cannot be imposed on minors.

Among the punishments imposed on minors, correctional labor, not related to the complete isolation of the individual from society, differs from other types of criminal punishment.

According to Article 83 of the Code, "corrective labor is assigned only to able-bodied minors in the form of serving it at their place of work, and if the guilty party does not work anywhere, then in other places within their place of residence, determined by the bodies supervising the execution of this punishment"[9].

Among the CIS countries, the criminal legislation of Belarus[10], Turkmenistan[11], and Tajikistan[12] stipulates that correctional labor is applied only to minors who have reached the age of 16. In this regard, it is advisable to clearly define the age of application of this type of punishment in the criminal legislation of Uzbekistan - 16 years.

The punishment of correctional labor imposed on minors differs in terms of duration from the punishment imposed on adults. In particular, this punishment is set for minors up to one year, and for adults up to three years. This testifies to the observance of the principles of humanism and justice in sentencing.

According to Article 46 of the Criminal Code, when adults are sentenced to correctional labor, 10-30 percent of their salary is withheld for state revenue. However, Article 83 also establishes this method for minors on a general basis. This does not correspond to the principle of differentiation of responsibility and punishment.

According to Article 243 of the Labor Code, students under the age of eighteen are paid in proportion to the time worked or the output produced. Therefore, considering that minors' wages are lower than adults' when sentenced to correctional labor, we believe it is appropriate to strictly set the amount withheld from state revenue at 10-20 percent of the monthly salary.

Based on the above opinions and analyses, it is proposed to amend paragraph 1 of Article 83 of the Criminal Code as follows:

- correctional labor is imposed only on able-bodied minors who have reached the age of 16 at their place of work, and if the guilty party does not work anywhere, in other places within their place of residence, determined by the bodies supervising the execution of this punishment, with deductions from 10% to 20% of the monthly salary to the state revenue, from one month to one year.

2. According to the rule specified in part 5 of Article 86 of the Criminal Code of the Republic of Uzbekistan, when sentencing a minor to imprisonment or correctional labor, the court may impose a suspended sentence.

According to this rule, to apply conditional sentencing to minors, we should refer to Article 72 of the Criminal Code, but the rules provided for in this article apply to adults, that is, persons over eighteen years of age.

The issue of applying conditional sentencing to minors is provided for in the chapter "Punishment and its Assignment" (Article 86) of the section "Features of the Liability of Minors" of the General Part of the Criminal Code. However, conditional sentencing, by its legal nature, is a type of exemption from punishment[13]. Therefore, it would be advisable to designate the institution of conditional sentencing of minors as a separate article in the chapter "Exemption from liability or punishment" of the aforementioned section.

We consider it appropriate to dwell on another important aspect of exempting minors from liability and punishment.

Article 87 of the Criminal Code of the Republic of Uzbekistan provides for the following provisions:

"A minor who has committed a crime that does not pose a great public danger for the first time may be released from liability and the case may be submitted for consideration to the commission for minors' affairs if, taking into account the nature of the act committed, the personality of the guilty party, and other circumstances of the case, it is concluded that it can be corrected without applying punishment.



The court is obliged to consider the issue of release from punishment and application of coercive measures to a minor who has committed a less serious crime for the first time or a repeated commission of a crime that does not pose a great public danger, for which a punishment of imprisonment for a term not exceeding five years is provided, if there are grounds provided for in part one of this article.

If a minor is significantly behind their age in development and does not fully realize the significance of the act committed, the court is obliged to consider the expediency of applying a coercive measure instead of punishment.

Let us state the following considerations regarding this provision, provided for in parts 1-2 of Article 87 of the Criminal Code of the Republic of Uzbekistan:

1) The title of Article 87 of the Criminal Code of the Republic of Uzbekistan is "Exemption from liability or punishment with the application of coercive measures."

When comparing the title of Article 87 of the Criminal Code of the Republic of Uzbekistan and the rule of part 1 of it, it is logical that according to the title of Article 87 of the Criminal Code, coercive measures can also be applied to part 1 of this article, but part 1 of Article 87 of the Criminal Code does not specify the application of coercive measures;

2) in part 2 of Article 87 of the Criminal Code of the Republic of Uzbekistan, the sentence "Committed a less serious crime, for which a punishment of imprisonment for a term not exceeding five years is provided" is incorrectly used, since in part 4 of Article 85 of this Code it is indicated that "Persons who have committed a crime that does not pose a great public danger before reaching the age of majority, committed a crime through negligence, or committed an intentional less serious crime, shall not be sentenced to imprisonment," and the provisions provided for in part 4 of Article 85 of this Code and part 2 of Article 87 of the Criminal Code contradict each other;

Based on the above opinions and analyses, we consider it necessary to make the following proposals to the Criminal Code.

1) the title of Article 87 of the Criminal Code should be changed from "Exemption from liability or punishment with the application of coercive measures" to "Grounds and conditions for exemption from liability or punishment";

2) It is advisable to exclude from part 2 of Article 87 of the Criminal Code the sentence "Committed a less serious crime for the first time, for which a sentence of imprisonment for a term not exceeding five years is provided, or";

The second direction is the improvement of the theoretical foundations for the prevention of juvenile delinquency, in particular juvenile delinquency.

Inclusion in the disciplines of public safety and probation activities within the framework of the specialty 12.00.14 "Prevention of Offenses," as well as its separation from criminology as an independent discipline, requires expanding the scope of scientific research in this area. Otherwise, the theory of prevention may lag behind practice.

This situation indicates the need for scientific research on the following problems in the field of juvenile delinquency prevention:

Firstly, to reveal and scientifically substantiate the content of such concepts as "early prevention of offenses," "crime suppression";

Secondly, the Law "On the Prevention of Neglect and Delinquency among Minors"[14] does not clearly define the types of general, special, and victimological prevention, as well as the powers of the subjects carrying out these types. In this case, the current Law "On the



Prevention of Offenses"[15] defines all three types (general, special, and victimological) and strengthens them through Article 27, which establishes the procedure for their application to prevention among minors. To eliminate discrepancies and misunderstandings between these two laws, it is necessary to clarify each type of crime prevention and the powers of the subjects;

thirdly, the development and scientific substantiation of effective tactical approaches in the prevention of minors;

fourthly, the development of a methodology for individual diagnosis of minors at risk of committing a crime or becoming victims of it;

fifth, expanding the range of subjects of prevention, optimizing the system and clarifying the powers;

sixth, dividing the preventive process into stages and developing a set of scientifically based measures specific to each stage:

Stage 1: early prevention;

Stage 2: analysis, elimination, and moral correction of causes and conditions;

Stage 3: social adaptation of victims of crime or those released from punishment;

Stage 4: prevention of recidivism;

Stage 5: Establishing special control over minors who have committed serious crimes, have extremist views, and have not been morally corrected.

The third direction is to increase the influence of universal, national, and religious values in order to strengthen a healthy social environment in society, to develop them in accordance with modern development, and to harmonize them with local, family, legal, and professional values.

Although values play a central role in preventing juvenile delinquency, the expansion of alien ideas through the global Internet is weakening their influence.

In this direction, we consider it expedient to implement the following measures:

firstly, it is advisable to assign to educational institutions (schools and colleges) the task of organizing various clubs, clubs, and sports sections that develop the intellectual, physical, and creative potential of students, as well as educating young people with high moral and ethical qualities and a patriotic spirit.

secondly, it is necessary to develop a concept for strengthening the role of mass media (internet, radio, and television) in the spiritual education of minors and improving their activities in this area.

thirdly, through national and social media content - national series, films and cartoons, performances, social advertising and videos, it is necessary to firmly instill spiritual and moral qualities and national ideas in young people and constantly show them.

fourthly, in order to inculcate national ideas in the minds of young people as a criterion of life and professional activity, it is necessary to introduce advanced training programs in each region of the republic that promote an approach to patriotism and responsible citizenship.

бешинчидан, туман (шаҳар)ларда вояга етмаганлар билан ишлаш ва жиноятчиликни профилактика қилиш бўйича доимий жамоатчилик кенгашларини ташкил этиш, улар орқали вояга етмаганлар жиноятчилиги мониторинги ва жамоатчилик назоратини амалга ошириш мақсадга мувофиқ.

олтинчидан, маҳалла аҳолиси ўртасида профилактика инспекторлари фаолияти самарадорлигини ўрганиш учун ижтимоий сўровлар ўтказиш, бу орқали инспекторлар масъулиятини ошириш ва профилактика тадбирларининг самарадорлигини яхшилаш зарур.

The fourth direction is the introduction of innovative models for the prevention of juvenile delinquency:

In this direction, we consider it expedient to implement the following tasks:

first, maintaining a centralized database by filling out electronic "account cards" (type of crime, circumstances, victim/criminal behavior) covering the causes and circumstances of the crimes committed, the behavior of victims and suspects;

second, the compilation of a geocriminological map of the territories and its use in the analysis of crime and the planning of preventive measures at the macro-and micro-farm scale;

third, expanding the installation of intelligent video cameras in public places and determining the procedure for their use;

fourth, the creation of a "trustworthy anonymous" web platform that allows sending anonymous messages (with audio, video, photo clips) about crimes, latent cases, and wanted persons.

We believe that these proposals will contribute to: determining the directions of scientific research on the prevention of hooliganism among minors; increasing the effectiveness of relevant legislative and practical activities; strengthening a healthy social environment in society and contributing to the introduction of innovative technologies.

We consider it expedient to study the experience of some foreign countries in improving the prevention of juvenile delinquency.

For example, in the USA, research on crime reduction and juvenile delinquency prevention relies on both old and new sources. For example, according to the research of L.W.Sherman and J.E.Eck, "community-based police activities have proven the effectiveness of the concept of "community policing." These studies show that community work and cooperation with the local population are important in reducing crime"[16].

Also, American scientists P.D.Schreck and M.A.Walters showed that "the development of information technologies and the influence of the Internet among young people increases their propensity for crime. Therefore, the use of new technologies is important in crime prevention and should be used in working with minors"[17]. We also agree with him that it is important to use new technologies to prevent juvenile delinquency.

In Germany, the social prevention system relies mainly on traditional sources. According to Fritsch's research, the implemented "social prevention programs"[18] led to a significant decrease in crime. Subsequent analyses, including research by Müller and Weber, have shown that social research and rehabilitation programs are increasing youth engagement and reducing crime inclinations.[19]

In his research, the Japanese scientist H. Yamada emphasized that "an individual approach to each age and great importance is attached to social education in reducing crime"[20].

Hooliganism against minors is one of the serious problems that threatens the social, legal, and spiritual stability of society. This article analyzes historical experience, current legal frameworks, and the practice of foreign countries in addressing this problem. As can be seen from scientific analysis, in the prevention of this type of crime, it is important not only to limit

oneself to punitive measures, but also to form an effective system of prevention, strengthen national and universal values, and introduce innovative approaches.

There is also a need to improve some norms of the Criminal Code of the Republic of Uzbekistan regarding the application of liability and punishment to minors, and to revise the institutions of correctional labor and probation. Foreign experience, in particular, approaches in such countries as the USA, Germany, and Japan, will serve to organize work in this direction more effectively.

In conclusion, this problem can be reduced by applying a comprehensive and systematic approach to the prevention of juvenile delinquency, harmonizing the regulatory framework and social impact tools.

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