



## THE CONCEPT OF PREVENTING PRESSURE AND VIOLENCE ON CHILDREN AND ITS LEGAL AND SOCIAL CHARACTERISTICS

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<https://doi.org/10.5281/zenodo.17411950>

**Abstract.** This article examines the concept of preventing harassment and violence against children and its legal and social aspects, prevention of this type of violence, as well as ideas for developing proposals and recommendations regarding existing problems in law enforcement practice.

**Keywords:** child, harassment and violence, offense, crime, prevention, law, social, punishment.

In recent years, the global community has approached the issue of protecting human rights, particularly children's rights, as a priority strategic task. According to the United Nations, approximately 1 billion children worldwide suffer from various forms of violence every year, with 6 out of every 10 children aged 2 to 14 subjected to physical punishment[1].

The issue of ensuring children's rights and preventing cases of violence is important not only from a humanitarian perspective but also in terms of the country's demographic stability, social potential, and future development.

In Uzbekistan, numerous legislative and institutional reforms are being implemented to ensure children's rights. Specifically, the Decree of the President of the Republic of Uzbekistan No. PF-60 "On the Development Strategy of New Uzbekistan for 2022-2026" defines the protection of youth rights and interests and safeguarding them from moral and extremist threats as a priority task[2]. Furthermore, the adoption in 2024 of 3 new laws, 4 presidential decrees, and 10 Cabinet of Ministers resolutions on protecting children's interests, along with the appointment of the Prime Minister of the Republic of Uzbekistan as the chairman of the Commission on Children's Issues, demonstrates that this matter has been elevated to the level of state policy.

To fulfill international obligations in the field of child rights protection, Uzbekistan is implementing the requirements of the UN Convention on the Rights of the Child. The Children's Ombudsman's 2024 report noted that over 40 normative legal acts related to children's rights are in effect and that 35-40% of the population are children[3]. This situation indicates the need for further improvement of legislation guaranteeing the social protection of children.

We need to understand the lexical meaning of the word "prevention." The concept of prevention comes from the Latin word "prophylaktikos," which means taking precautions and preventing them. Prevention of child abuse is a complex of activities, including the prevention of criminal acts, preventive information and educational activities, legal and educational awareness of parents, individual work with young people, and training of specialists[4].

Historical sources also indicate that the idea of protecting children has existed since ancient times. For example, in the ancient "Avesta," the rights of pregnant women and the fetus were specifically protected, and priority was given to the education and moral upbringing of

the child[5]. The practice of destroying disabled children in ancient Sparta, or cases of burying a girl alive before the time of the revelation of the Holy Quran, reflects dark periods in human history. On the contrary, the first example of legal protection is the establishment of an orphanage for abandoned children in Milan in 716, when Emperor Constantine passed a law prohibiting the killing of children in 312[6].

Analysis of the current situation shows that in Uzbekistan, two out of three children may grow up under the influence of violent upbringing, which means that 66 percent of children are subjected to various forms of harassment and punishment[7]. Thus, the protection of children from violence, ensuring their rights and freedoms requires not only a legal approach, but also a spiritual, educational, and institutional approach. The fact that the Constitution of Uzbekistan establishes the creation of the best conditions for the physical, mental, and spiritual development of children as a guarantee of the state, and the expansion of social obligations, strengthens the legal basis of reforms in this area[8].

Looking back at history, since the emergence of humanity, the attitude towards violence against children has gone through a path of evolutionary development. In ancient societies, especially among pre-Islamic Arab peoples, the birth of a daughter was considered a tragedy, and the practice of burying her alive was widespread. This situation is strongly condemned in the Holy Quran, and killing children due to poverty is strictly forbidden: " (O people), do not kill your children out of fear of poverty. We provide for them and for you. Killing them is undoubtedly a great sin" (Al-Isra, 31) [9]. At the same time, in Islam, attempts on the life of women and children are considered a crime, and the killing of children is also forbidden during war[10]. The Prophet Muhammad (peace be upon him) emphasized that a person who raises two daughters well will be worthy of Paradise[11]. This principle of humanism in Islamic jurisprudence has been elevated to the level of constitutional rights, such as the right of a child to life, proper upbringing, and development in an environment of mercy.

Kindness and compassion towards children are noted as an important ethical principle in Islamic jurisprudence, and the practical expression of this is clearly manifested in the Prophet's (peace be upon him) treatment of children. In the narrations of Anas ibn Malik, it is emphasized that he never used violence or scolded children[12]. Such an attitude is the basis of a philosophy based on raising children not through punishment, but with love and mercy.

At the same time, the legal approach to the rights of children in Europe was formed during the 17th-19th centuries. In Russia, the Code of Sobornoye Ulojeniyе, adopted in 1649, established the legal status of children born out of wedlock, which is considered the first legal document on children's rights in Russia[13]. In the 18th century, during the reign of Peter II, abandonment of a child by a mother was considered a crime against the state, and children were declared under state protection. For this purpose, the first orphanages (orphanages) were established in 1706[14].

In Russia, the special criminal norms regarding the intentional killing of children are clearly defined in the "Criminal Code," adopted in 1754-1766, and the perpetrators of these crimes were sentenced to penal servitude or placed in religious institutions[15].

By the end of the 19th century, special "Child Protection Departments" were established in 1892 to protect children from violence. This institution of protection formed the legal and administrative basis for providing social guarantees to children.

In the 20th century, mechanisms for the legal protection of children's rights at the international level began to take shape. The "Declaration of the Rights of the Child," adopted by the League of Nations in Geneva in 1924, became the first international document on the protection of children[16]. Later, the Convention on the Rights of the Child, adopted by the UN in 1989, brought children's rights to the level of an international standard in the fields of education, healthcare, social protection, and prevention of violence[17].

In the 21st century, cyberbullying, digital threats, and psychological pressure on children have become a new global problem. In 2006, UNICEF and other international organizations developed strategies to protect children via the Internet, and national laws were adopted in the European Union and other countries[18]. In the modern world, the protection of children has become not only a legal, but also a global task closely related to information security, media purity, and the consciousness and culture of society.

The problem of violence against children requires a comprehensive scientific analysis from historical, religious, legal, and sociological perspectives. In scientific sources, the concept of "violence" is interpreted as a socio-legal process, defined as a physical, mental, or sexual act that threatens the life, health, and inviolability of a person[19]. Also, manifestations of violence against children are manifested in such forms as physical punishment, psychological pressure, cruel treatment, denial of needs, economic exploitation, and cyberbullying[20].

In international law, a child is defined as any person under the age of 18 (UN Convention on the Rights of the Child, 1989) [21]. In the legislation of the Republic of Uzbekistan, the concepts of a child and a minor also refer to a person under the age of 18[22]. However, there are scientific approaches to distinguishing the periodic stages of childhood. For example, D.R. Karimova evaluates childhood as a process from the period of pregnancy to the age of 18, dividing it into stages of infancy, adolescence, and social fitness[23]. M.N. Ganieva emphasizes the importance of strengthening the legal literacy and moral responsibility of parents in the early prevention of domestic violence, and the introduction of special preventive programs for parents. In his opinion, mistakes in raising children are a factor leading to criminal consequences[24], while A.Sh. Murodov believes that it is necessary to strengthen the legal regulation of violence against children at the legislative level. He puts forward a proposal to regulate cases of domestic violence in the Criminal Code with a separate article, arguing that an offense can have dangerous consequences for society and the individual[25].

In our view, a child is the future of society. Their healthy mental and physical development creates the foundation for a stable and just future. Therefore, protecting children from all forms of violence - physical, psychological, sexual, or economic - should be the primary task of every individual, family, society, and the state. When various forms of violence are committed against a child, they leave an indelible mark on the child's consciousness, negatively affecting their personal development, self-confidence, and life goals. In particular, domestic or school violence evokes feelings of fear, aggression, loneliness, and hatred in a child. In the laws of our country, it is necessary to establish responsibility for any violence against a child and fill legal gaps.

International legal scholars also propose relevant approaches to this problem. In particular, Martin Seligman, in his theory of "learned helplessness," argued that children experience psychological changes, decreased social activity, and stagnation of personal development under the influence of prolonged violence[26]. Philip Reese emphasized the need to protect children not only in terms of physical, but also mental and psychological

development, indicating the need to develop new strategies against violence in the online environment[27]. And E.N. Yershova, noting that children who have become victims of violence often do not apply to law enforcement agencies, proposes to introduce legal counseling services and children's rights lawyers in schools[28]. Also, according to O.S. Kolmakova, psychological violence, as a legal category, must be defined separately, since it is one of the main factors that has a legally illegal impact on a child's psychological development[29]. S. Labeltzey, on the other hand, states that cases of domestic violence account for 30-40% of crime statistics and emphasizes the need to strengthen child protection mechanisms as a key priority of state policy[30].

In general, domestic and international scholars emphasize the need to create an effective system for the prevention of child abuse by harmonizing legal, ethical, psychological, and institutional approaches. These scientific perspectives serve to form a solid theoretical foundation in the field of protecting children's rights. Additionally, sources from the "Avesta" define childhood as lasting up to 15 years of age, which is confirmed by the wearing of a special belt and sudra garment at the age of maturity[31].

In the analysis of legislation on child abuse, the Law of the Republic of Uzbekistan "On the Protection of Children from All Forms of Violence" clearly defines and legally prohibits physical, sexual, psychological, economic violence and bullying against children[32]. This law also pays special attention to cases of violence committed using telecommunication means. Specifically, it notes that cyberbullying can have a long-term negative impact on a child's mental state[33].

Violence against children is a complex social phenomenon that occurs primarily within the family, with statistics showing that 31.9% of cases take place within the family environment[34]. Violent behavior of parents, especially fathers, often causes emotional deficiency, anxiety, depression, self-deprecation, and social isolation in children. These findings were confirmed in research by renowned psychologists Martin Seligman and Philip Reese[35].

Furthermore, Article 1261 of the Criminal Code of the Republic of Uzbekistan establishes criminal liability for domestic violence, and individuals who commit offenses against children are held legally accountable[36]. Based on this legal framework, the need to increase the effectiveness of preventive measures in child protection has become a pressing issue.

In conclusion, the prevention of child abuse is a complex task that requires not only legal but also educational, psychological, technological, and public participation approaches. Developing its scientific and theoretical foundations and improving legal mechanisms are priority areas for protecting children's rights in Uzbekistan.

Based on the scientific and theoretical perspectives presented above, in today's era of globalization, the fight against violence against children not only aligns with international human rights standards but also emerges as a priority task in the system of national legislation and institutional reforms. The legal framework established in Uzbekistan in this area is being developed in integration with the norms of the Law "On the Protection of Children from All Forms of Violence," the Constitution of the Republic of Uzbekistan, as well as the UN Convention on the Rights of the Child.

However, the analysis shows that the existing legal definitions do not allow for a deep understanding of all forms of violence against children as a complex social process in society, combining them as a primary or universal legal category. Therefore, based on modern scientific

and practical views, enriching violence against children with a comprehensive and targeted legal definition is a requirement of the times.

In particular, harassment and violence against children is a complex of violent actions in physical, psychological, sexual, economic, and digital (cyber) forms, directed against a person's age, vulnerability, and developmental stage. These forms of violence have a clear and long-term negative impact on a child's life, health, moral and psychological development, and social capabilities. Such actions can occur within the framework of personal relationships, within the family, in educational institutions, in the public environment, or in the information environment, and they must be eliminated on the basis of legal, educational, and ethical approaches.

It is advisable to add the above author's definition to the content of Article 1 (basic concepts) of the Law of the Republic of Uzbekistan "On the Protection of Children from All Forms of Violence" as a new legal definition. This expands the range of existing definitions and fully encompasses the diverse manifestations of violence, including cyber-violence and economic pressure.

The perfect author's definition of harassment and violence against children in the system of legal science and social education, put forward by us, serves not only to ensure the accuracy of the legal definition, but also to eliminate a number of systemic problems in society based on scientific solutions. The scientific validity of the definition, its harmony with moral and educational content, by incorporating it into legal norms, can lead to positive results in the following areas:

firstly, eliminating analytical (cognitive) gaps in legislation - in current laws, "violence against children" is expressed in general and often declarative definitions. This creates difficulties in the correct qualification of offenses and the application of appropriate types of punishment in law enforcement practice. The inclusion in the author's definition of modern and latent forms, such as psychological, economic, and cyber-violence, serves as the main foundation for filling legal vacuums.

For example, cases of cyberbullying or digital harassment do not have a separate qualification in the current Criminal Code. New articles may be developed by including these forms in the definition in the legislation;

secondly, the legal institutionalization of preventive policy is an integral part of law enforcement activities. The author's definition gives a legal meaning to the concept of prevention and serves to develop relevant strategies aimed at eliminating social ills, lack of culture, ignorance, and information threats that lead to violence.

Preventive mechanisms include: raising legal awareness, training for parents, special courses in schools, legal advisory centers, and developing a "protection index" for violence against children;

thirdly, ensuring legal protection in the field of information, digital and cybersecurity, that is, in the 21st century, violence in the digital environment is causing significant psychological, social and even physical consequences for children. The definition of cyberbullying as a separate phenomenon allows for the integration of this problem with information policy and a system of digital solutions.

For example, in the European Union and the USA, such laws as the "Cyber Child Protection Act" are an important legal basis in this direction. In Uzbekistan, too, it is time to integrate cyber-violence into the context of existing crime;

fourthly, the formation of responsibility in family culture, that is, such concepts as "state of vulnerability" and "stage of development" in the author's definition, are important in the recognition of violence in the family environment and the formation of a reaction to it. This, in turn, contributes to the development of institutional moral culture.

For example, increasing the legal literacy of parents, establishing preventive educational programs, introducing social services and the position of "Child Rights Inspector";

fifthly, guaranteeing the interests of children in procedural law, that is, since the author's definition covers cases of violence that have a negative impact not only on the physical, but also on the social and psychological development of the child, it creates a legal basis for the introduction of protocols corresponding to the rights of the child, special lawyers, and "defender-communicator" mechanisms in criminal procedural processes. For example, granting children's ombudsman institutions the authority to protect a child in criminal proceedings.

The above-mentioned author's definition of harassment and violence against children is of particular scientific and practical importance due to its comprehensive interpretation from the point of view of legal, moral, psychological, and digital security. The special legal height of the definition manifests it not only as a concept regulating offenses, but also as a strategic conceptual basis for the formation of legal consciousness, spiritual education, and information culture of society.

The integration of the author's definition into the national legislative system allows for a review of practical mechanisms in the field of protecting children's rights, ensuring coordination between law enforcement agencies and social institutions, eliminating the causes and conditions of offenses, and forming legal and educational immunity.

In addition, such categories as "stage of development," "deprived status," "cyber violence," "moral and educational approaches" in the definition, in harmony with modern paradigms of legal science, make it possible to scientifically substantiate legal reforms in the protection of children not only through punishment, but also through mechanisms of humanism and reintegration.

Thus, the author's definition serves as a new legal and theoretical platform for interpreting the problem of child abuse not only as a legal problem, but also as a systemic problem covering several areas, such as state policy, public consciousness, family upbringing, and security in the digital environment, and for its comprehensive solution. This is an important theoretical and legal basis for institutional reforms aimed at developing the child rights protection system in Uzbekistan in harmony with international standards and national traditions

### References:

1. UNICEF, "A Familiar Face: Violence in the Lives of Children and Adolescents", 2017.
2. Ўзбекистон Республикаси Президентининг 2022 йил 28 январдаги ПФ-60-сон Фармони // Ўзбекистон Республикаси Қонунчилик маълумотлари миллий базаси / <https://lex.uz>.



3. Ўша манбаа // <https://parliament.gov.uz/oz/news/bolalar-ombudsmanining-2024-yildagi-faoliyati-korib-chiqildi>.
4. “Авесто” (таржима ва шарҳлар билан), Тошкент: Фан, 2001 // <https://oyina.uz/kiril/teahouse/1194>.
5. Антик тарих манбалари тўплами: Константин I қонунлари, Милан архиви, 312–716-йиллар.
6. UNICEF Ўзбекистон бўлими ҳисоботи, 2023 // <https://www.unicef.org/reports-/country-regional-divisional-annual-reports-2023/Uzbekistan>.
7. Ўзбекистон Республикаси Конституцияси, 2023 йилги таҳрир // Ўзбекистон Республикаси Қонунчилик маълумотлари миллий базаси / <https://lex.uz>.
8. Куръони Карим. Ал-Исро, 31 // [https://quranenc.com/uz/browse/uzbek\\_rwwad/17](https://quranenc.com/uz/browse/uzbek_rwwad/17).
9. Саҳиҳ Бухорий. Китоб ал-Адаб // <https://www.naqshband.uz>.
10. Муснад Аҳмад. Анас ибн Молик ривояти // <https://old.muslim.uz/index>.
11. “Соборное уложение”, Россия, 1649 й // <https://ru.wikipedia.org>.
12. Курукин И. “Пётр I ва Россияда ижтимоий ислохотлар”. Москва, 2005. – Б. 133–137.
13. Уголовное уложение Российской Империи, 1754–1766 // <https://ru.wikipedia.org>.
14. League of Nations, Declaration of the Rights of the Child, 1924 // [https://en.m.wikipedia.org/wiki/Declaration\\_of\\_the\\_Rights\\_of\\_the\\_Child](https://en.m.wikipedia.org/wiki/Declaration_of_the_Rights_of_the_Child).
15. Convention on the Rights of the Child, UN General Assembly, 1989 // [https://en.wikipedia.org/wiki/Convention\\_on\\_the\\_Rights\\_of\\_the\\_Child](https://en.wikipedia.org/wiki/Convention_on_the_Rights_of_the_Child).
16. UNICEF. “Protecting children online: policy responses in a digital world.” 2006 // <https://news.un.org>.
17. Даль В.И. “Толковый словарь живого великорусского языка”. Москва, 1880г. – С 154-156.
18. Ожегов С.И. “Словарь русского языка”, Москва, 1984 г. – С. 241-242.
19. Convention on the Rights of the Child. United Nations, 1989.
20. Ўзбекистон Республикасининг “Бола ҳуқуқларининг кафолатлари тўғрисида”ги Қонуни. Ўзбекистон, 2008 // <https://ngm.uz>.
21. Каримова Д.Р. Ўзбекистон худудида бола ҳуқуқлари генезиси, эволюцияси ва унинг истиқболлари / Докторлик диссертацияси автореферати. Тошкент 2017 й. Б. 5.
22. Ғаниева М.Н. “Оилада бола тарбияси тоифалари ва оқибатлари” // <https://doi.org/10.5281/zenodo>.
23. Муродов А.Ш. “Оиладаги зўравонлик ва жиноят ҳуқуқи”, Тошкент, 2021 // <https://www.osce.org/files/f/documents/f/4/450970.pdf>.
24. Seligman M.E.P. The Optimistic Child, New York: Houghton Mifflin, 2007.
25. Riese P. “Violence and Child Development”, European Child Psychology Journal, 2014. P 21-23.
26. Ершова Е.Н. “Насилие в семье: уголовно-правовой аспект”, Москва, 2018 г.– С 78-79.
27. Колмакова О.С. “Психологическое насилие в отношении несовершеннолетних”, Юридическая наука, №2, 2019.
28. Labeltzey S. “Violence in Domestic Settings: A Legal View”, Journal of Family Law, 2015.
29. “Авесто”. Таржимонлар кенгаши таҳририда. Т.: Фан, 2001.
30. Ўзбекистон Республикасининг “Болаларни зўравонликнинг барча шаклларида қилиш тўғрисида”ги Қонун. Ўзбекистон, 2024.



31. UNICEF. "Cyberbullying: What is it and how to stop it." <https://unicef.org/cyberbullying>.
32. "Профилактика" терминининг шарҳи – Ўзбек тили изоҳли луғати. Тошкент, 2006.
33. Дустмухамедова Н. "Оиладаги зўравонлик ва унинг ҳуқуқий оқибатлари". Илмий мақола, 2022 // <https://www.grafiati.com/en/literature-selections/journal/>.
34. Seligman M.E.P. "The Optimistic Child", 2007; Riese P. "Violence and Child Development", 2014 // <https://archive.org/details/optimisticchild000seli>.
35. Ўзбекистон Республикаси Жиноят кодекси. 126<sup>1</sup>-модда, 2023 йил таҳрири.