

CLASSIFICATION OF THE CRIME OF HUMAN TRAFFICKING AND CRIMINAL RESPONSIBILITY FOR IT

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**Abstract:** This article provides information on the importance of the Criminal Code for combating human trafficking, which is one of the topical issues of today, for ensuring the protection of human rights and freedoms, the criminal structure and main features of the crime of human trafficking.

**Key words:** Human trafficking, human rights, freedom, Human Rights and Universal Declaration, crime structure, criminal responsibility

The Universal Declaration of Human Rights states, "No one shall be held in slavery or servitude, and all forms of slavery and the slave trade shall be prohibited." Human trafficking is considered to be one of the topical issues of the present day, and the number of victims of this type of crime is increasing year by year.

According to Article 25 of the Constitution of the Republic of Uzbekistan, it is stated that everyone has the right to freedom and privacy. That is, the personal rights and freedoms of citizens and stateless persons of the Republic of Uzbekistan are defined in the Constitution. However, due to its simplicity, there are many people who become victims of human trafficking.<sup>47</sup>

In order to fight against this type of crime and to prevent it, international and local laws and regulations with recommendatory and mandatory features are being adopted. The 1949 UN Convention "On the Suppression of Trafficking in Persons and the Exploitation of Slavery by Third Parties", the 1956 Convention "On the Abolition of Slavery and the Slave Trade, and Institutions and Customs Similar to Slavery" Additional conventions include the 2000 Protocol to Suppress, Prevent, and Punish Trafficking in Persons, Especially Women and Children. In addition, in 2006, the CIS among the 8 member countries adopted the "Program for the fight against human trafficking for 2007-2010". To date, several changes in our legislation, in addition, the Law of the Republic of Uzbekistan on Combating Human Trafficking, which came into force on February 19, 2021, are of great

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<sup>47</sup> <https://constitution.uz/oz/clause/index#chapter10>

importance to prevent this type of crime. Liability for this socially dangerous act, according to the current Criminal Code of the Republic of Uzbekistan, Article 135, which is part of the category of crimes against the freedom, honor and dignity of a person, includes responsibility for the crime of "Trafficking in human beings".

According to the current Criminal Code, the direct object of the crime of human trafficking is social relations that ensure the freedom of a person. Human trafficking means recruiting, transporting, transferring, concealing or receiving a person for the purpose of buying, selling or using a person.

Selling a person means a verbal or written agreement by a person to give a person to another person in exchange for money, other material values, property services, debt waiver or other rights.

As for the objective side of this crime, in order to buy and sell a person and use a person, they:

Recruiting is an activity aimed at attracting a person to engage in some activity by means of deception or persuasion for the purpose of using a person;

The activity of delivering a person in any way to a place where a person is transferred to another person with a contract of purchase or sale, or to a place where he uses the person for the purpose of use;

Hiding - keeping the victim from state bodies, authorities, close relatives in any place;

Transfer - to physically give a person to another person for the purpose of using him;

Adoption is manifested in the act of possessing and taking possession of a person for the purpose of using him.

Citizens who suffered from the crime of human trafficking also mention that they were used for other purposes, for example, prostitution, sexual or medical exploitation, slavery, debauchery, etc.

The composition of the crime provided for in the disposition of the first part of Article 135 of the Criminal Code is formal, and the crime is considered completed from the moment of the conclusion of the transaction of purchase and sale of a person or from the moment of committing another act specified in this article of the law.<sup>48</sup>

The subjective side of this crime is expressed in the form of correct intent. The existence of a purpose, i.e., the existence of a purpose aimed at making a person use it, is a necessary factor for the occurrence of criminal

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<sup>48</sup> O'zbekiston Respublikasi Oliy sudi plenumining 24.11.2009 yildagi "Odam savdosiga oid ishlar bo'yicha sud amaliyoti to'g'risida"gi qarori

liability in the commission of acts related to recruitment, transportation, transfer, concealment, acceptance provided for in Article 135. The intended purpose of the crime is taken into account as a necessary sign of the composition of this crime. For example, if this crime is committed with the aim of cutting off a person's organs and transplanting them to another person, it is qualified by Article 135, Part 2, Clause "k".

According to the content of the law, buying and selling committed by deception, as well as human trafficking in the form of hiring, transporting, transferring, concealing or accepting a person for the purpose of exploitation is covered by the provisions of Article 135 of the Criminal Code and Article 168 of the Criminal Code. no additional qualification is required with Article 168 of the Criminal Code, part four, clause "a".<sup>49</sup>.

The subject of the crime is any individual over the age of 16. In this case, the close relatives of the victim or his relatives may be present.

Regardless of the beginning of exploitation of a person, human trafficking is considered complete from the moment the perpetrator commits one of the actions provided for in Article 135, Part 1 of the Criminal Code, from the moment the actions of buying and selling, hiring, transporting, transferring, concealing or receiving people are performed.

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<sup>49</sup> O'zbekiston Respublikasi Oliy sudi plenumining 24.11.2009 yildagi "Odam savdosiga oid ishlar bo'yicha sud amaliyoti to'g'risida"gi qarori

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