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Legal aspects of pimping and brothel-keeping in Uzbekistan: Comparative analysis and legislative development proposals

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Research Article

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Abstract
Brothel-keeping and pimping are crimes that prolong the exploitation of vulnerable people, particularly women and children, weaken societal morals, and disturb public order. Article 131 of the Criminal Code of Uzbekistan makes following offences illegal. However, comprehensive measures to successfully discourage such crimes and safeguard victims may be lacking under present law. This article examines worldwide practices from the US, UK, Germany, France, Japan, and CIS countries, evaluates Uzbekistan's current legal system, and suggests specific legislative changes. The research emphasises how crucial it is to include other aggravating factors, such as committing crimes while holding an official position, at educational or public event locations, and involving people who are financially or otherwise dependent. The report makes recommendations for improving legal and victim protection measures based on experiences throughout the world, such as making consumers answerable for acquiring sexual services, as is the case in France. In order to preserve human rights, protect vulnerable populations, and uphold social norms, these ideas seek to strengthen Uzbekistan's legal strategy against pimping and brothel-keeping and link it with worldwide best practices.

Keywords: Article 131, criminal law, legislative revisions, human trafficking, exploitation, worldwide comparison, pimping, brothel-keeping, Uzbekistan, aggravating circumstances, and victim protection

Introduction

Pimping and running a brothel are grave crimes that go against social standards, disturb the peace, and jeopardise the moral foundation of communities all over the globe. These actions provide serious problems for nations and legal systems because they are motivated by intricate economic, social, and psychological variables. Pimping and running a brothel often include exploitation that goes beyond simple financial gain; it also contributes to human trafficking and sustains the mistreatment of vulnerable groups, especially women and children. Many countries have created strict legal structures to discourage and punish people who commit these crimes because they understand the serious consequences. The Criminal Code's specific provisions, particularly Article 131, which describes the punishments for pimping and maintaining brothels, have been the focal point of Uzbekistan's attempts to combat these crimes. Even if certain aggravating conditions are included in present legislation, it is still necessary to look at methods to improve these laws in order to provide victims with complete protection and strengthen public trust in the legal system. An analysis of worldwide practices, with a focus on victim care programs and preventative measures, offers important insights into how other nations fight these crimes.

The purpose of this essay is to evaluate foreign legislative practices, examine Uzbekistan's current legal framework on pimping and brothel-keeping, and suggest specific changes for more efficient regulation. Uzbekistan can improve its legal systems to protect vulnerable populations, respect human rights, and preserve social values by learning from the experiences of other countries and implementing best practices.

Materials and methods

Three main questions were addressed in this study: first, how effective is Uzbekistan's current legislation against pimping and brothel-keeping; second, how has the law's application been developed; and third, is it necessary to strengthen legislative measures based on global experience? The study explores the author's viewpoint and offers suggestions to improve and modify Uzbekistan's legal system in order to answer these problems. In order to investigate the criminal-legal dimensions of pimping and brothel-keeping, the research is both conceptual and analytical. It focuses on the practical consequences for policy and enforcement.

Methods of analysis, generalisation, comparative-legal, logical, statistical, systematic structural, and formal-legal examination of scientific knowledge were used to accomplish these goals.

Results

Criminal acts that undermine public order and societal morals, such as pimping and brothel-keeping, are major worldwide problems. These actions have many detrimental effects on society and are usually motivated by economic, social, and psychological concerns.

The United Nations Office on Drugs and Crime (UNODC) Global Report on Trafficking in Persons 2022 estimates that 27.6 million individuals worldwide were victims of human trafficking, with a significant percentage of these victims being sexually exploited [1]. According to the International Labour Organization (ILO), women and children make up 71% of trafficking victims globally, with the majority being transported for sexual exploitation (ILO, 2017). The prevalence of women and girls in sexual exploitation offences is shown by this study [2].

According to the National Human Trafficking Hotline, there were more than 10,500 incidents of human trafficking in the United States in 2023, with pimping and sexual exploitation being a major emphasis (Polaris Project Annual Report 2023) [3]. The UK National Crime Agency's (NCA) 2023 annual report states that 1,947 incidents pertaining to human trafficking and modern slavery were forwarded for examination, many of which included sexual exploitation and the operation of brothels [4].

According to the UNODC's Central Asia Report (2022), criminal networks involved in sexual exploitation are prevalent across the CIS, with over 3,200 incidents of sexual exploitation-related offences reported in Russia alone.

Discussion

To provide a detailed description of these crimes, "pimping" is a felony in which one makes money by serving as a middleman or arranging sexual services. Conversely, "brothel-keeping" refers to setting up or running establishments that provide sexual services. These operations may be connected to human trafficking or other major crimes, and they often involve significant criminal organisations or people.

1 The crimes of pimping and running a brothel include taking advantage of people by arranging or making money off of sexual services. These offences are regarded as significant crimes in many countries and violate the rights of persons, especially women and vulnerable populations.

1. Pimping is the practice of managing or earning money from people who provide sexual services. Often referred to as a "pimp," the perpetrator of this crime controls or plans the sex worker's actions in exchange for a portion of their profits.

Key elements of pimping include

Financial gain: Taking a portion of the money received from another person's sexual services is how pimping is done.

Control or organization: Managing sex workers, giving them space and security, and supervising their activities are all part of pimping.

1. Pandering, often known as brothel-keeping, is the practice of coercing someone into having sex. In contrast to pimping, pandering entails assisting or motivating someone to engage in such acts.

Due to the exploitation of young people and other vulnerable populations, pimping and brothel ownership result in serious human rights abuses. These offences have the following societal repercussions:

Psychological trauma: Anxiety, sadness, and post-traumatic stress disorder (PTSD) are among the serious psychological effects of these crimes. According to a 2023 research that was published in the Journal of Human Trafficking, 85% of forced sex workers have significant anxiety and PTSD.

Socio-economic impact Groups that are vulnerable and poor are more likely to be exploited.

Health issues: Infectious infections and other health issues are more likely to strike victims of exploitation.

Pimping and brothel-keeping crimes are often associated with economic hardships, difficulty obtaining job, illiteracy and lack of education, physical or psychological abuse, and sexual exploitation. These crimes have the potential to undermine moral principles in society, damage the structure of the family, and raise drug usage, criminal activity, and crime rates.

Countries' experiences with pimping and brothel-keeping offenses differ greatly from one another due to legal, cultural, and economic issues. The following sums up the strategies and legal systems of nations such as the United States, the United Kingdom, Germany, France, Japan, and the CIS: Pimping and pandering are criminal violations in the majority of US states, according to an analysis of the criminal-legal features of these crimes under foreign laws. State-level initiatives, as opposed to federal ones, are used to fight pimping and brothel ownership. The laws of each state have distinctive features. Pimping and operating a brothel are felonies in the majority of states and carry harsh punishments, such as jail time and hefty fines. For example, prostitution is permitted and subject to stringent state regulations in several Nevada districts [5]. Furthermore, since pimping and brothel-keeping are often linked to human trafficking, these crimes are frequently taken into account in conjunction with anti-human trafficking initiatives.

According to the "Sexual Offenses Act 2003 [6]," pimping and operating a brothel are legally forbidden in the UK, and instances involving the exploitation of children are subject to further penalties. Reducing sexual exploitation and preventing human trafficking are the main objectives of the UK's strict laws on pimping and brothel-keeping. While operating a brothel, pimping, and promoting sexual services are prohibited in the UK, prostitution itself is allowed. Aggravating circumstances include the presence of children or coercive situations, which result in higher sanctions commensurate with the violation.Laws in Different Countries Regarding Pimping and Brothel-Keeping

Although prostitution is permitted in Germany, unlawful pimping and the operation of brothels are subject to certain restrictions [7]. In order to control the sex business and guaranty the preservation of workers' rights, the "Prostitution Act" [8] of 2002 was passed. Certain circumstances define illegal behavior, such as running brothels without governmental permission, which is prohibited. Owners of brothels are required to pay taxes and adhere to hygienic and sanitary standards. Furthermore, German law forbids forced labor and exploitation; if these activities are found, criminal responsibility is heightened. Pimping is thus prohibited if it is carried out without authorization or under duress. The availability of legal counseling and medical assistance for sex workers is a significant distinction between Germany and other nations.

Pimping and operating a brothel are forbidden in France. Although prostitution is allowed in terms of itself, pimping and running brothels are illegal under a 2016 legislation, and the state takes strict action against these violations. In an effort to lessen sexual exploitation, this rule also makes customers who pay for sexual services responsible [9].

Strong safeguards are in place in Japan to prevent young people from being sexually exploited. It is completely forbidden to recruit young people by pandering or pimping. There are exceptions for various forms of sexual services, despite the fact that Japan has always upheld stringent laws prohibiting pimping and operating brothels [10]. Paid sex is prohibited by Japanese law, but other services—like massages—are permitted, which encourages a variety of "hidden" behaviors.

While most CIS nations consider pimping and brothel-keeping to be illegal, they take different approaches to the problem. For example, in Russia, brothels and pimping

are prohibited and classified as crimes [11]. Prostitution is illegal in Kazakhstan, and pimping and running brothels are severely forbidden [12]. The nation has strict laws against exploitation.

The following suggestions for improving and fortifying Uzbekistan's laws pertaining to pimping and brothel-keeping might be made in light of these nations' experiences:

Add more aggravating factors to prevent exploitation of young people and vulnerable populations;

Extend social support and reintegration initiatives for exploited individuals;

As seen in France, think about holding sexual service customers responsible.

These strategies might help modernize

Uzbekistan's laws and put into practice sensible policies based on global experience. Global trends demonstrate that different nations have quite different ways to controlling pimping and brothel-keeping. In order to fight pimping and brothel-keeping in Uzbekistan, ideas to enhance laws based on worldwide norms and contemporary methods are crucial.

In the Republic of Uzbekistan, pimping and running brothels are crimes under the Criminal Code, however prostitution is subject to administrative responsibility. Article 131 of the Criminal Code outlines the primary legal rules for these acts. The following are examples of aggravating circumstances for the crimes of pimping and brothel-keeping: a) involving a minor; b) committing the act repeatedly, as a dangerous recidivist, or by someone who has been convicted under Articles 135 or 137 of the Criminal Code; and c) committing the act by an organized group or for the benefit of such a group, which carries harsher penalties.

There are now a number of recommendations to improve Uzbekistan's Criminal Code's prohibitions against pimping and operating brothels [13]. For example, the aggravating conditions of "committing the crime using an official position" and "involving a person who is financially, service-wise, or otherwise dependent" on the perpetrator have been suggested to be added to Article 131. These recommendations are intended to ensure equitable responsibility and more precisely evaluate the strategies and tools used in the commission of these crimes. The importance of these recommendations is explained in more detail below.

Committing a Crime Using an Official Position (Addition to Part 3):1. This describes situations in which someone uses their official position to engage in pimping or brothel-keeping, i.e., they use their professional possibilities for illicit objectives. In addition to harming the victims, such behavior undermines public confidence. To ensure legal fairness, this must be acknowledged as an aggravating condition. Crimes carried out in official capacity may have far-reaching detrimental effects on society, impacting not only the victims but the community as a whole

Committing a Crime at Educational or Public Event Venues (Addition to Part 3):1. Since crimes committed in public spaces and educational institutions put young people and other vulnerable groups at greater risk, including this as an aggravating condition would help safeguard these areas. Crimes committed there compromise the societal functions of these locations, which are meant for education and parenting. Additionally, since there would be increased culpability for crimes committed in public areas, this policy would serve as a deterrent to criminality in these areas.

Involving a person who is financially, service-wise, or otherwise dependent:1. The purpose of proposing this kind of aggravating condition is to better safeguard victims when the perpetrator takes advantage of those who are financially or otherwise dependent. Criminals often find these people to be easy targets. By adding this, dependent people's legal protection would be strengthened and their participation in crimes would be classified as an aggravated offense. Additional psychological and social suffering is often experienced by victims of crime due to financial or service-related reliance. This would improve their protection and lessen coercive behaviors if it were included in the statute. International experience demonstrates that utilizing an official position or engaging dependent people is acknowledged as an aggravating condition in the penal laws of many nations. For instance, in order to preserve victims' rights, German law takes dependent people's involvement in crimes into account as an aggravating element.

The aforementioned conditions and modifications are intended to strengthen Uzbekistan's existing legal position against pimping and brothel ownership and support the preservation of society's moral foundation. Additionally, Uzbekistan's laws would be better in line with the nature of these crimes if stronger measures based on international experience were used. Increasing the criminal consequences for engaging juveniles in such activities is another suggested improvement.

It should be mentioned that the market for sexual services may see a decline in demand if consumers are held responsible. Enforcing client accountability has dramatically reduced incidences of exploitation and human trafficking, according to France's experience.

The proposed changes to Article 131 of Uzbekistan's Criminal Code are intended to improve the battle against sexual exploitation and

safeguard moral norms in society while taking into consideration global experience. certain recommendations, if approved, would make it possible to impose harsher penalties and improve Uzbekistan's ability to prevent certain offenses.

In conclusion, combating the crimes of pimping and brothel-keeping requires a multidimensional strategy that includes strong legal frameworks, extensive victim protection measures, and conformity with global best practices. Although there are many potential for legislative improvement, Uzbekistan's present law under Article 131 of the Criminal Code offers a fundamental framework for combatting these acts. Uzbekistan can more accurately reflect the seriousness of these crimes and their effects on vulnerable groups by implementing the proposed amendments, which include acknowledging the use of an official position, offenses committed in public or educational settings, and the involvement of financially dependent individuals as aggravating circumstances.

International experiences—especially those from the US, UK, Germany, France, Japan, and CIS nations—offer insightful perspectives that emphasize the significance of preventative measures, harsher sanctions, and client responsibility. These components may lessen exploitation, uphold victims' rights, and rebuild public trust in the legal system. Notably, as seen in France, holding customers responsible has been shown to be a successful strategy for lowering the demand for sexual services, which in turn lowers the frequency of such crimes. Adopting these legislative changes will show Uzbekistan's dedication to respecting human rights, defending everyone's dignity, and maintaining social values while also bringing the country's penal code into line with modern international norms. In addition to discouraging criminal action, more enforcement combined with all-encompassing social care for victims would promote a more moral and fair society.

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