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PREVENTING DOMESTIC VIOLENCE CRIMES

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Abstract: The article systematically analyzes the prevention of domestic violence crimes, their criminological characteristics, and the effectiveness of recent political and legal reforms in this regard. The author comprehensively studies the positive changes in national legislation, in particular, the limitation of the institution of reconciliation at the investigative stage, and reveals the de facto state of this norm in judicial practice. The study assesses the fact that women and children, victims, are under hidden psychological and economic pressure from aggressors or third parties even at the judicial stage as a serious gap in the current legislation. In order to eliminate this gap and prevent false reconciliations, a scientific and practical proposal has been put forward to introduce a completely new "Institute of mandatory verification (verification) of the voluntariness and authenticity of reconciliation" into the Criminal Procedure Code based on the requirements of legislative techniques, and a normative text has been developed.

Key words: domestic violence, political-legal reforms, institution of reconciliation, court stage, legal gap, institution of verification, free will, false reconciliation, forensic psychological examination.

Domestic violence is not only a personal family problem, but also a global socio-legal problem that poses a serious threat to the stability of society, human rights and the gene pool of the nation. Prevention of domestic violence crimes is carried out through a deep scientific analysis of their causes, improvement of legal mechanisms and raising public awareness.

Prevention of domestic violence crimes is a strategic guarantee of state sovereignty, national security and political stability.

The family is a micromodel of the state, the social and psychological environment in which directly determines the political health of the country. Prevention of domestic violence crimes has long gone beyond the scope of internal affairs or household problems and has become a strategic priority at the level of strengthening the foundations of statehood and ensuring the legitimacy of political institutions.

In our opinion, it is appropriate to classify the political, legal and scientific significance of this process as follows:

The political image of the state and the stability of international ratings - In the modern geopolitical space, the influence of a state is measured not only by its economic or military power, but also by the effectiveness of the human rights protection system. Proactive fight against domestic violence and mechanisms for its prevention are the main political indicators of the state's commitment to democratic principles. Successful reforms in this area increase the country's position in international ratings (for example, Gender Inequality Index, Rule of Law Index), which in turn strengthens foreign policy confidence and creates a stable legal guarantee for the flow of foreign direct investment.

National security and social capital potential - Scientific research shows that a generation that grows up in an environment of domestic aggression is more likely to engage in destructive behavior, be influenced by radical currents, and have a nihilistic attitude towards state institutions. By preventing domestic violence crimes, the state eradicates a potential source of crime. This politically acts as a national security filter that prevents internal conflicts, deviant behavior, and extremist sentiments in society.

The presumption of a legal state and the rule of law - If the state cannot guarantee the safety of its citizens in the family, which is considered the safest place for them, the constitutional order and the principle of the rule of law lose their value. The system for preventing domestic violence reflects the uncompromising attitude of the state's sovereign authority against "institutional coercive control"[1]. The implementation of a policy of absolute intolerance (zero tolerance) for violence by political authorities will significantly increase citizens' respect for the law and political trust in the state.

Political support against human capital degradation - The foundation of economic and political development is healthy human capital. The "Victim Degradation Cycle" that arises as a result of domestic violence cuts off the most active strata of society, especially women and children, from socio-political life, paralyzing their creative and intellectual potential. Through prevention programs, a national gender equality policy is implemented, which creates a political space for the full and free participation of members of society in state governance and economic processes.

Strengthening the function of the Social Contract - According to classical political theories, citizens undertake to obey the state in exchange for ensuring their security (social contract). The protection of victims of domestic violence is a practical demonstration of this contractual obligation of the state. Through “proactive social-victimological prevention”, the state demonstrates that the dignity of each person is the highest political value[2]. This will strengthen social integration between the government and the people and increase the immunity of the political system to internal and external crises.

The study of the recognition and criminalization of domestic violence as a crime revealed the following:

- The biggest political and legal turning point of the reforms was Law No. ZURQ-829, adopted on April 11, 2023. This law marked the first time in the national legal system that domestic violence was recognized as an independent offense and crime[3]:

- Administrative liability: The Code of Administrative Liability has been supplemented with Article 59-2 (Domestic violence). According to it, actions such as restricting the rights of a spouse, ex-spouse, person living in the same household, or person having a common child, causing damage to property, or insulting their dignity are punishable by a fine of 10 to 20 times the basic calculation amount (BCM) or up to 15 days of administrative detention[4]. The criminalization of criminal liability for perpetrators of domestic violence within the framework of Article 126-1 of the Criminal Code of the Republic of Uzbekistan has opened a completely new legal and de facto political era for the

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[1] Норматова Ширин Абдулнабиевна АЁЛЛАРНИНГ ЎЗ ЖОНИГА ҚАСД ҚИЛИШНИНГ ОЛДИНИ ОЛИШДА ХОРИЖИЙ ДАВЛАТЛАР ТАЖРИБАСИ // EJLFAS. 2024. №4. URL: https://cyberleninka.ru/article/n/ayollarning-z-zhoniga-asd-ilishning-oldini-olishda-horizhiy-davlatlar-tazhribasi

[2] Homidova Rayxona Orif Qizi ЎЗБЕКИСТОНДА ОИЛАВИЙ (МАИШИЙ) ЗЎРАВОНЛИККА ҚАРШИ КУРАШНИНГ ЖИНОИЙ-ҲУҚУҚИЙ МЕХАНИЗМЛАРИ // YOTA. 2025. №11. URL: https://cyberleninka.ru/article/n/zbekistonda-oilaviy-maishiy-z-ravonlikka-arshi-kurashning-zhinoiy-u-u-iy-mehanizmlari

[3] Хотин-қизлар ва болалар ҳуқуқлари, эркинликлари ҳамда қонуний манфаатларини ишончли ҳимоя қилиш тизими янада такомиллаштирилиши муносабати билан Ўзбекистон Республикасининг айрим қонун ҳужжатларига ўзгартиш ва қўшимчалар киритиш тўғрисида: Ўзбекистон Республикасининг 2023 йил 11 апрелдаги ЎРҚ-829-сон Қонуни // *Ўзбекистон Республикаси қонун ҳужжатлари тўплами*. – Тошкент, 2023

[4]

national legal system. This legislative institution reflects the uncompromising will of the state authorities to ensure the security of human dignity and family sovereignty. Re-commitment of this act (prejudice) after the application of an administrative measure or its manifestation in aggravating circumstances against pregnant women and minors was included in the category of serious crimes based on the principle of the rule of law and established a maximum penalty of 10 to 12 years of imprisonment. As a consistent and logical continuation of the reforms, Law No. ZURQ-978, adopted on October 21, 2024[5] brought the political and legal vision of the state to a new qualitative level. This legislative act strengthened the following conceptual mechanism for the victimological protection of the rights of children, the most vulnerable and vulnerable segment of society:

Presumption of special qualification: Separate, independent and stricter norms of liability for domestic violence against children were introduced into the Codes on Criminal and Administrative Responsibility. This serves to ensure the absolute priority of the interests of the child in state policy.

Political and procedural limitation of the institution of reconciliation: Based on strategic changes introduced into the criminal procedural legislation, the right to submit an application for reconciliation in cases related to domestic violence was completely removed from the stage of inquiry and preliminary investigation and transferred exclusively to the stage of court proceedings.

This procedural novella completely put an end to the political and legal practice of closing criminal cases ("passing into the latent shadow") by destructive aggressors through psychological, economic and physical pressure on victims (or their legal representatives) during the investigation process. Thus, the state has created a proactive and protective system that ensures the inevitability of criminal prosecution and the legitimacy of the judiciary.

An analysis of the recent reforms in the field of combating domestic violence (in particular, Laws No. ZUR-829 of 2023 and No. ZUR-978 of 2024) reveals a serious legal gap in national legislation that has not yet been resolved.

According to the current Criminal Procedure Code, the institution of reconciliation in cases of domestic violence is determined to be applied only at the trial stage. This was a very correct step. However, if the victim, woman or child, is under direct or indirect (through relatives) psychological and economic pressure from the aggressor (husband or father) even at the trial stage, she is forced to agree to a forced reconciliation in court[6].

There is no legal mechanism to determine whether the victim's will is truly free during the trial or whether he or she is submitting a reconciliation application under pressure and to verify the validity of the reconciliation. The judge is forced to dismiss the case simply because there is an application and the legal requirements have been met. This leads to a repetition of the cycle of violence.

To fill this gap, a new norm should be introduced into the Criminal Procedure Code - "The institution of mandatory verification (verification) of the voluntariness and validity of reconciliation by the court."

In our opinion, Article 585 of the Criminal Procedure Code (Procedure for Proceedings on Reconciliation) should be supplemented with the following fourth and fifth parts:

"When considering an application for reconciliation of the parties in cases related to domestic violence (Article 126-1 of the Criminal Code), the court must verify that the will of the victim (civil

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[5] илавий (маиший) зўравонликдан болаларни ҳимоя қилиш чоралари кучайтирилиши муносабати билан Ўзбекистон Republicasinинг айрим қонун ҳужжатларига ўзгартиш ва қўшимчалар киритиш тўғрисида: Ўзбекистон Республикасининг 2024 йил 21 октябрдаги ЎРҚ-978-сон Қонуни // *Миллий қонунчилик маълумотлар базаси (lex.uz)*. – Тошкент, 2024.

[6] Жалолов, Шерзод Рустамович ЗЎРАВОНЛИК ЖИНОЯТЛАРИНИ ЗАМОНАВИЙ ПРОФИЛАКТИКАСИНИНГ АЙРИМ ЖИҲАТЛАРИ // ORIENSS. 2022. №7. URL: https://cyberleninka.ru/article/n/z-ravonlik-zhinoyatlarini-zamonaviy-profilaktikasining-ayrim-zhi-atlari (дата обращения: 30.06.2026).

plaintiff) is truly free and that he or she is not subject to mental, physical or economic pressure by the defendant or other persons.

In order to determine the validity of reconciliation in cases of domestic violence, the court has the right to temporarily suspend the consideration of the criminal case for a period of up to ten days from the date of receipt of the application and during this period to appoint a forensic psychological examination or a specialist (psychologist) study to assess the psycho-emotional state of the victim and issue a conclusion on the voluntariness of the reconciliation. If it is determined that the victim's application was submitted as a result of pressure or dependence, the court shall reject the reconciliation and continue the consideration of the case in the general procedure.

In our opinion, the criminological and political effectiveness of this proposal is manifested in the following:

Fake reconciliation will be stopped - the hidden pressure exerted by aggressors on women and children to leave the courtroom with impunity will be blocked at the level of the law.

Psychological protection will be provided - the victim will be able to express her will safely under the protection of the state and a professional psychologist.

Integration of international standards - this norm fully corresponds to the political-legal concept of "protecting the victim from systemic dependence" in the legislation of developed countries (for example, Spain and Great Britain).

References:

1. **Жалолов Ш.Р.** Зўравонлик жиноятларини замонавий профилактикасининг айрим жиҳатлари // Oriental Renaissance: Innovative, educational, natural and social sciences. – Тошкент, 2023. – Т. 3, № 5. – Б. 237–243. (Мақолада маиший зўравонлик турлари ва уларнинг олдини олишда ҳимоя ордери тизимининг криминологик жиҳатлари тадқиқ этилган).
2. **Самандаров В.Р.** Оилавий (маиший) зўравонлик тушунчаси: миллий ва халқаро тажриба // Eurasian Journal of Law, Finance and Applied Sciences. – Тошкент, 2024. – № 4 (42). – Б. 89–95. (Ушбу илмий ишда оилавий зўравонликнинг концептуал асослари қиёсий-ҳуқуқий таҳлил қилинган).
3. **Ҳомидова Р.О.** Ўзбекистонда оилавий (маиший) зўравонликка қарши курашнинг жиноий-ҳуқуқий механизмлари // Journal of Science-Innovative Research in Uzbekistan. – Тошкент, 2023. – Т. 1, № 8. – Б. 412–419. (Муаллиф Жиноят кодексининг 126-1-моддаси («Оилавий (маиший) зўравонлик») жиноят-ҳуқуқий тавсифи ва квалификация муаммоларини ўрганган). [1]
4. **Қушбоқов Ш.Х., Жумаев Н.Р.** Профилактика инспекторларининг қонуний никоҳсиз яшовчи шахсларни аниқлаш ва уларга нисбатан ижтимоий профилактика чора-тадбирларини қўллашда хотин-қизлар фаоли билан ҳамкорлигини такомиллаштириш масалалари // Central Asian Journal of Multidisciplinary Research and Management Studies. – Тошкент, 2025. – Т. 2, № 11. – Б. 45–51. (Шаръий никоҳ асосидаги ва яширин маиший низоларнинг олдини олиш бўйича амалий тадқиқот).
5. **Норматова Ш.А.** Аёлларнинг ўз жонига қасд қилишининг олдини олишда хорижий давлатлар тажрибаси // Юридик фанлар ахборотномаси. – Тошкент, 2024. – № 2. – Б. 104–111. (Оилавий зўравонлик оқибатида аёлларнинг ўз жонига қасд қилиш даражасига етиши (виктимлик) ва унга қарши курашнинг виктимологик таҳлили).