

SCIENCE
PROBLEMS.UZ

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Actual problems of social and humanitarian sciences
Актуальные проблемы социальных и гуманитарных наук

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2024

SCIENCEPROBLEMS.UZ

**ИЖТИМОЙ-ГУМАНИТАР ФАНЛАРНИНГ
ДОЛЗАРБ МУАММОЛАРИ**

№ 5/6 (4) - 2024

**АКТУАЛЬНЫЕ ПРОБЛЕМЫ СОЦИАЛЬНО-
ГУМАНИТАРНЫХ НАУК**

ACTUAL PROBLEMS OF HUMANITIES AND SOCIAL SCIENCES

ТОШКЕНТ-2024

БОШ МУҲАРРИР:

Исанова Феруза Тулқиновна

ТАҲРИР ҲАЙЪАТИ:

07.00.00-ТАРИХ ФАНЛАРИ:

Юлдашев Анвар Эргашевич – тарих фанлари доктори, сиёсий фанлар номзоди, профессор, Ўзбекистон Республикаси Президенти ҳузуридаги Давлат бошқаруви академияси;

Мавланов Уктам Махмасабирович – тарих фанлари доктори, профессор, Ўзбекистон Республикаси Президенти ҳузуридаги Давлат бошқаруви академияси;

Хазраткулов Абдор – тарих фанлари доктори, доцент, Ўзбекистон давлат жаҳон тиллари университети.

Турсунов Равшан Нормуратович – тарих фанлари доктори, Ўзбекистон Миллий Университети;

Холикулов Ахмаджон Боймаҳамматович – тарих фанлари доктори, Ўзбекистон Миллий Университети;

Габриэльян Софья Ивановна – тарих фанлари доктори, доцент, Ўзбекистон Миллий Университети.

Саидов Сарвар Атабулло ўғли – катта илмий ходим, Имом Термизий халқаро илмий-тадқиқот маркази, илмий тадқиқотлар бўлими.

08.00.00-ИҚТИСОДИЁТ ФАНЛАРИ:

Карлибаева Рая Хожабаевна – иқтисодиёт фанлари доктори, профессор, Тошкент давлат иқтисодиёт университети;

Насирходжаева Дилафруз Сабитхановна – иқтисодиёт фанлари доктори, профессор, Тошкент давлат иқтисодиёт университети;

Остонокулов Азамат Абдукаримович – иқтисодиёт фанлари доктори, профессор, Тошкент молия институти;

Арабов Нурали Уралович – иқтисодиёт фанлари доктори, профессор, Самарқанд давлат университети;

Худойқулов Садирдин Каримович – иқтисодиёт фанлари доктори, доцент, Тошкент давлат иқтисодиёт университети;

Азизов Шерзод Ўктамович – иқтисодиёт фанлари доктори, доцент, Ўзбекистон Республикаси Божхона институти;

Хожаев Азизхон Саидалоҳонович – иқтисодиёт фанлари доктори, доцент, Фарғона политехника институти

Холов Актам Хатамович – иқтисодиёт фанлари бўйича фалсафа доктори (PhD), доцент, Ўзбекистон Республикаси Президенти ҳузуридаги Давлат бошқаруви академияси;

Шадиева Дилдора Хамидовна – иқтисодиёт фанлари бўйича фалсафа доктори (PhD), доцент в.б, Тошкент молия институти;

Шакарров Қулмат Аширович – иқтисодиёт фанлари номзоди, доцент, Тошкент ахборот технологиялари университети

09.00.00-ФАЛСАФА ФАНЛАРИ:

Ҳакимов Назар Ҳакимович – фалсафа фанлари доктори, профессор, Тошкент давлат иқтисодиёт университети;

Яхшиликков Жўрабой – фалсафа фанлари доктори, профессор, Самарқанд давлат университети;

Ғайбуллаев Отабек Мухаммадиевич – фалсафа фанлари доктори, профессор, Самарқанд давлат чет тиллар институти;

Саидова Камола Усканбаевна – фалсафа фанлари доктори, “Tashkent International University of Education” халқаро университети;

Ҳошимхонов Мўмин – фалсафа фанлари доктори, доцент, Жиззах педагогика институти;

Ўроқова Ойсулов Жамолиддиновна – фалсафа фанлари доктори, доцент, Андижон давлат тиббиёт институти, Ижтимоий-гуманитар фанлар кафедраси мудири;

Носирходжаева Гулнора Абдукаххаровна – фалсафа фанлари номзоди, доцент, Тошкент давлат юридик университети;

Турдиев Бехруз Собирович – фалсафа фанлари бўйича фалсафа доктори (PhD), доцент, Бухоро давлат университети.

10.00.00-ФИЛОЛОГИЯ ФАНЛАРИ:

Ахмедов Ойбек Сапорбаевич – филология фанлари доктори, профессор, Ўзбекистон давлат жаҳон тиллари университети;

Кўчимов Шухрат Норқизилевич – филология фанлари доктори, доцент, Тошкент давлат юридик университети;

Ҳасанов Шавкат Аҳадович – филология фанлари доктори, профессор, Самарқанд давлат университети;

Бахронова Дилрабо Келдиёровна – филология фанлари доктори, профессор, Ўзбекистон давлат жаҳон тиллари университети;

Мирсанов Ғайбулло Қулмуродович – филология фанлари доктори, профессор, Самарқанд давлат чет тиллар институти;

Салахутдинова Мушарраф Исамутдиновна – филология фанлари номзоди, доцент, Самарқанд давлат университети;

Кучкаров Раҳман Урманович – филология фанлари номзоди, доцент в/б, Тошкент давлат юридик университети;

Юнусов Мансур Абдуллаевич – филология фанлари номзоди, Ўзбекистон Республикаси Президенти ҳузуридаги Давлат бошқаруви академияси;

Саидов Улугбек Арипович – филология фанлари номзоди, доцент, Ўзбекистон Республикаси Президенти ҳузуридаги Давлат бошқаруви академияси.

12.00.00-ЮРИДИК ФАНЛАР:

Аҳмедшаева Мавлюда Ахатовна – юридик фанлар доктори, профессор, Тошкент давлат юридик университети;

Мухитдинова Фирюза Абдурашидовна – юридик фанлар доктори, профессор, Тошкент давлат юридик университети;

Эсанова Замира Нормуратовна – юридик фанлар доктори, профессор, Ўзбекистон Республикасида хизмат кўрсатган юрист, Тошкент давлат юридик университети;

Ҳамроқулов Баҳодир Мамашарифович – юридик фанлар доктори, профессор в.б., Жаҳон иқтисодиёти ва дипломатия университети;

Зулфиқоров Шерзод Хуррамович – юридик фанлар доктори, профессор, Ўзбекистон Республикаси Жамоат ҳавфсизлиги университети;

Хайитов Хушвақт Сапарбаевич – юридик фанлар доктори, профессор, Ўзбекистон Республикаси Президенти ҳузуридаги Давлат бошқаруви академияси;

Асадов Шавкат Ғайбуллаевич – юридик фанлар доктори, доцент, Ўзбекистон Республикаси Президенти ҳузуридаги Давлат бошқаруви академияси;

Утемуратов Махмут Ажимуратович – юридик фанлар номзоди, профессор, Тошкент давлат юридик университети;

Сайдуллаев Шахзод Алиханович – юридик фанлар номзоди, профессор, Тошкент давлат юридик университети;

Ҳакимов Комил Бахтиярович – юридик фанлар доктори, доцент, Тошкент давлат юридик университети;

Юсупов Сардорбек Баходирович – юридик фанлар доктори, доцент, Тошкент давлат юридик университети;

Амиров Зафар Актамович – юридик фанлар бўйича фалсафа доктори (PhD), Ўзбекистон Республикаси Судьялар олий кенгаши ҳузуридаги Судьялар олий мактаби;

Жўраев Шерзод Юлдашевич – юридик фанлар номзоди, доцент, Тошкент давлат юридик университети;

Бабаджанов Атабек Давронбекович – юридик фанлар номзоди, доцент, Тошкент давлат юридик университети;

Раҳматов Элёр Жумабоевич – юридик фанлар номзоди, Тошкент давлат юридик университети;

13.00.00-ПЕДАГОГИКА ФАНЛАРИ:

Хашимова Дильдархон Уринбоевна – педагогика фанлари доктори, профессор, Тошкент давлат юридик университети;

Ибрагимова Гулнора Хавазматовна – педагогика фанлари доктори, профессор, Тошкент давлат иқтисодиёт университети;

Закирова Феруза Махмудовна – педагогика фанлари доктори, Тошкент ахборот технологиялари университети ҳузуридаги педагогик кадрларни қайта тайёрлаш ва уларнинг малакасини ошириш тармоқ маркази;

Каюмова Насиба Ашуровна – педагогика фанлари доктори, профессор, Қарши давлат университети;

Тайланова Шоҳида Зайниевна – педагогика фанлари доктори, доцент;

Жуманиёзова Муҳайё Тожиевна – педагогика фанлари доктори, доцент, Ўзбекистон давлат жаҳон тиллари университети;

Ибрахимов Санжар Урунбаевич – педагогика фанлари доктори, Иқтисодиёт ва педагогика университети;

Жавлиева Шахноза Баходировна – педагогика фанлари бўйича фалсафа доктори (PhD), Самарқанд давлат университети;

Бобомуротова Латофат Элмуродовна – педагогика фанлари бўйича фалсафа доктори (PhD), Самарқанд давлат университети.

19.00.00-ПСИХОЛОГИЯ ФАНЛАРИ:

Каримова Василя Маманосировна – психология фанлари доктори, профессор, Низомий номидаги Тошкент давлат педагогика университети;

Ҳайитов Ойбек Эшбоевич – Жисмоний тарбия ва спорт бўйича мутахассисларни қайта тайёрлаш ва малакасини ошириш институти, психология фанлари доктори, профессор

Умарова Навбахор Шокировна – психология фанлари доктори, доцент, Низомий номидаги Тошкент давлат педагогика университети, Амалий психологияси кафедраси мудири;

Атабаева Наргис Батировна – психология фанлари доктори, доцент, Низомий номидаги Тошкент давлат педагогика университети;

Шамшетова Анжим Карамаддиновна – психология фанлари доктори, доцент,

Ўзбекистон давлат жаҳон тиллари университети;

Қодиров Обид Сафарович – психология фанлари доктори (PhD), Самарканд вилоят ИИБ Тиббиёт бўлими психологик хизмат бошлиғи.

22.00.00-СОЦИОЛОГИЯ ФАНЛАРИ:

Латипова Нодира Мухтаржановна – социология фанлари доктори, профессор, Ўзбекистон миллий университети кафедра мудири;

Сеитов Азамат Пўлатович – социология фанлари доктори, профессор, Ўзбекистон миллий университети;

Содиқова Шоҳида Мархабоевна – социология фанлари доктори, профессор, Ўзбекистон халқаро ислом академияси.

23.00.00-СИЁСИЙ ФАНЛАР

Назаров Насриддин Атақулович – сиёсий фанлар доктори, фалсафа фанлари доктори, профессор, Тошкент архитектура қурилиш институти;

Бўтаев Усмонжон Хайруллаевич – сиёсий фанлар доктори, доцент, Ўзбекистон миллий университети кафедра мудири.

ОАК Рўйхати

Мазкур журнал Вазирлар Маҳкамаси ҳузуридаги Олий аттестация комиссияси Раёсатининг 2022 йил 30 ноябрдаги 327/5-сон қарори билан тарих, иқтисодиёт, фалсафа, филология, юридик ва педагогика фанлари бўйича илмий даражалар бўйича диссертациялар асосий натижаларини чоп этиш тавсия этилган илмий нашрлар рўйхатига киритилган.

Ижтимоий-гуманитар фанларнинг долзарб муаммолари” электрон журнали 2020 йил 6 август куни 1368-сонли гувоҳнома билан давлат рўйхатига олинган.

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Таҳририят манзили:

100070. Тошкент шаҳри, Яккасарой тумани, Кичик Бешёғоч кўчаси, 70/10-уй. Электрон манзил:

scienceproblems.uz@gmail.com

Боғланиш учун телефонлар:

(99) 602-09-84 (telegram).

12.00.00 – YURIDIK FANLAR

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07.00.00 – TARIX FANLARI

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08.00.00 – IQTISODIYOT FANLARI

Imamov Javokhir

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CRIMINAL LIABILITY FOR KIDNAPPING IN FOREIGN COUNTRIES

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Abstract. The article reveals criminal liability for kidnapping in the Russian Federation, the Federal Republic of Germany, Singapore, and the People's Republic of China.

Keywords: kidnapping, by a group of persons by prior agreement, for selfish reasons, qualifying signs, corpus delicti, guardian, punishment, life imprisonment.

XORIJIY MAMLAKATLARDA ODAM O'G'IRLASH UCHUN JINOIY JAVOBGARLIK

Akbaralieva Muhayyo Karamatullo qizi

Toshkent davlat yuridik universiteti Jinoyat huquqi, kriminologiya va korrupsiyaga qarshi kurashish kafedrasi o'qituvchisi

Annotatsiya. Maqolada Rossiya Federatsiyasi, Germaniya Federativ Respublikasi, Singapur va Xitoy Xalq Respublikasida odam o'g'irlashdagi jinoiy javobgarlik ochib berilgan.

Kalit so'zlar: odam o'g'irlash, bir guruh shaxslar tomonidan oldindan kelishib, g'arazli maqsadlarga ko'ra, kvalifikatsiya belgilari, jinoyat tarkibi, vasiylik, jazo, umrbod qamoq.

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Introduction. Kidnapping, a grave violation of personal freedom and human rights, carries severe criminal penalties across various jurisdictions. However, the legal implications of kidnapping can vary substantially between countries. This article delves into the nuances of criminal liability for kidnapping in foreign countries, examining how diverse legal systems approach this serious offense, the extradition issues involved, and the broader implications for international law and human rights.

The criminal law of each state differs in its specificity and uniqueness. Different punishments will be provided for the same act in different States. The article will consider criminal liability for kidnapping in five states.

Methodology. This study adopts a comparative legal analysis as its primary research design. By examining kidnapping laws from various countries, the research seeks to identify similarities, differences, and overarching trends in legal definitions, enforcement practices, and penalties associated with kidnapping. This design allows for a nuanced understanding of the complexities and variations in criminal liability for kidnapping on an international scale.

Results. The analysis demonstrates that although there are foundational similarities in the legal treatment of kidnapping across these countries, such as the emphasis on coercion and unlawful detention, substantial differences exist in penalties and enforcement practices. These discrepancies not only reflect varied cultural attitudes towards crime and punishment but also underscore the challenges law enforcement faces in a globalized context. Effective inter-jurisdictional cooperation and legal harmonization may be essential in addressing the transnational nature of kidnapping. This comparative study contributes valuable insights for policymakers, legal practitioners, and scholars aiming to understand the intricate dynamics of criminal liability for kidnapping in different legal systems worldwide.

Discussion. Across the five countries, the definition of kidnapping is influenced by jurisdictional legal traditions and cultural contexts. In the Russian Federation, the definition includes the unlawful seizure of a person with the intent to hold them against their will, emphasizing the element of coercion. Contrarily, in Germany, the definition is more procedural, falling under the umbrella of "deprivation of liberty," which encompasses both active coercion and passive forms of kidnapping, such as abduction of minors. In the Russian Federation, criminal liability for kidnapping is provided for in article 126 of the Criminal Code of the Russian Federation. The qualifying signs in this article are: kidnapping committed by a group of persons by prior agreement; with the use of violence dangerous to life or health, or with the threat of such violence; with the use of weapons or objects used as weapons; against a known minor; against a woman who is known to be in a state of pregnancy; in relation to two or more persons; for selfish reasons. Particularly qualifying signs are: kidnapping committed by an organized group, which inadvertently resulted in the death of the victim or other grave consequences.

The criminal legislation of the Russian Federation provides for the exemption from criminal liability of a person who voluntarily released a kidnapped person, unless his actions contain other elements of a crime.

Based on the note to Article 126 of the Criminal Code of the Russian Federation, such a release of an abducted person should be recognized as voluntary, in which the guilty person realized that he had a real opportunity to hold the victim, but he released him, including handed him over to relatives, authorities, pointed them to the location of the abducted person, from where he can be released [1].

The Criminal Code of the Federal Republic of Germany provides for a separate article for the abduction of a minor. According to article 235 of the Criminal Code, anyone who kidnaps a parent or one of the parents, guardian or trustee: a person under the age of eighteen with violence or threat of causing tangible harm or cunning, or a child without being his relative, is criminally liable. Also, according to this article, anyone who kidnaps a child from both parents or one of them, a guardian or a trustee of a child, for transporting him abroad, or hides him abroad after he was taken there, or after the child went abroad, is punished. A person is also subject to criminal liability if by his act he exposes the victim to the danger of causing death or serious harm to her health or physical or spiritual development, or commits an act for remuneration or with the intention of obtaining material benefits for himself or a third person.

Also, the Criminal Code of the Federal Republic of Germany provides for an article for kidnapping for the purpose of extortion, where the punishment is more severe than in the above article, up to life imprisonment in case of negligent infliction of death to a person [2].

Singapore's Criminal Code provides for two types of kidnapping: abduction from Singapore and abduction from legal custody. A person is abducted from Singapore when he or she is transported outside Singapore without his or her consent, or the consent of any person legally authorized to give consent on behalf of that person. A person who takes any minor under the age of 14, if it is a man, or under the age of 16, if a woman, or any mentally ill person, from the custody of the legal guardian of such a minor or mentally ill person, the consent of such a guardian is considered the abduction of such a minor or person from legal custody. The punishment for kidnapping a person from Singapore or abduction from legal custody is imprisonment for up to ten years and a fine or caning. It may be noted that, in accordance with the present crime, it is kidnapping, unlawful detention or unlawful retention of a person with the intention of holding that person for ransom. The punishment is death or life imprisonment; if the offender is not sentenced to death, he is also subject to caning.

The analysis underscored significant discrepancies in the penalties associated with kidnapping. In the United States, sentences for kidnapping can range from five years to life imprisonment, with harsher penalties for aggravated forms, reflecting the gravity with which the crime is treated. Germany offers a more lenient yet structured approach, where sentences typically range from one to ten years, contingent on the severity of the case and the victim's circumstances. In Singapore, severe penalties are enforced, including the death penalty for kidnapping that results in death, illustrating the nation's zero-tolerance stance on such crimes. Meanwhile, the Russian Federation imposes penalties ranging from three to twelve years of imprisonment, with harsher sentences applicable in cases involving perverse motives, such as ransom. The People's Republic of China also imposes strict penalties, including death for serious cases, particularly those involving organized crime or the trafficking of minors.

In U.S. criminal law, a person is guilty of kidnapping if he unlawfully moves another person from his place of residence to a significant distance from the place where he is located, or if he unlawfully places another person for a significant period of time in an isolated place for any of the following purposes:

- To detain him for ransom or reward, or as A cover-up or a hostage;
- To facilitate the commission of any crime or escape after its commission;
- To cause bodily harm to the victim or another person or to cause them fear;
- To prevent the exercise of any State or political function.

Kidnapping is a first-degree crime if the activist does not voluntarily release the victim alive and in a safe place before the start of the case in court. In the latter case, the act is a second-degree crime. Relocation or placement in an isolated place is illegal in the sense of this rule if it is committed by violence, threat or deception, or in cases where it concerns a person under the age of 14 or incapacitated, if it is committed without the consent of a parent, guardian or other person responsible for the general supervision of his well-being.

The research further highlights systemic challenges in enforcing kidnapping laws across the jurisdictions studied. In the United States, while there are comprehensive laws and dedicated law enforcement agencies, issues such as jurisdictional inefficiencies and bureaucratic delays can hinder timely investigations. In Germany, while the legal framework is robust, the cultural approach to privacy and individual rights sometimes complicates proactive measures in preventing kidnapping cases. In Singapore, while law enforcement is well-resourced, the rapid societal changes and urbanization present new challenges in addressing

cyber-related kidnappings [3]. The Russian Federation faces significant hurdles due to corruption and inconsistent law enforcement practices, which can result in varying enforcement levels across regions. Lastly, in the People's Republic of China, the enforcement of anti-kidnapping laws can often be complicated by local governance issues and the need for a concerted national approach to address the interconnectedness of trafficking and kidnapping.

According to the criminal law of the People's Republic of China, kidnapping a person for the purpose of extorting property from him or taking him hostage is punishable by imprisonment for a period of more than 10 years or indefinite imprisonment, as well as a fine or confiscation of property; the same acts that led to the death of the abducted person or accompanied by his murder are punishable by death and confiscation of property. The same punishment is provided for kidnapping a baby for the purpose of extortion of property [4].

Conclusion. In conclusion, it should be noted that human freedom is one of the fundamental rights of every individual. This right, first of all, is enshrined in international acts, then in national legislation. The analysis demonstrates that although there are foundational similarities in the legal treatment of kidnapping across these countries, such as the emphasis on coercion and unlawful detention, substantial differences exist in penalties and enforcement practices. These discrepancies not only reflect varied cultural attitudes towards crime and punishment but also underscore the challenges law enforcement faces in a globalized context. Effective inter-jurisdictional cooperation and legal harmonization may be essential in addressing the transnational nature of kidnapping. This comparative study contributes valuable insights for policymakers, legal practitioners, and scholars aiming to understand the intricate dynamics of criminal liability for kidnapping in different legal systems worldwide.

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