

Anthropocentric Study of Laws Against Domestic (Household) Violence in Uzbekistan

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Abstract: In this article lexic structures as well as Russian and international templates, their position in translation, changes in laws and documents problems in today's law policy, and ways to solve them are suggested.

Keywords: State language, law-making, Uzbek language, legal translation, legal terminology.

"Family is a fortress of love and happiness. As long as there is a family, there is the priceless blessing called a child, human dignity, and spirituality. Family happiness is the greatest prosperity."

Shavkat Mirziyoyev

Introduction: As our President has emphasized, the family is a sanctuary of moral values. A person finds their most cherished and elevated feelings within the embrace of family. They experience the purest and most unique moments of life in this sacred institution. Therefore, the family is considered the most fundamental unit of society. The unity and mutual respect of all family members, particularly the harmony between parents, play a crucial role in ensuring family well-being. In this "homeland within a homeland," the roles of men and women are unparalleled.

Today, nearly 8.5 million families reside in our country. In recent years, under the leadership of our esteemed President, systematic efforts have been undertaken to strengthen the family institution, establish a stable socio-spiritual environment in families, achieve gender equality, and especially support women and increase their participation in social life. The Concept of Strengthening the Family Institution in the Republic of Uzbekistan was adopted to enhance cooperation between state institutions, civil society organizations, and citizens in improving the family institution, based

on the conceptual idea that "A prosperous family is the foundation of social development." Currently, significant opportunities are being created for women in society to pursue education and engage in entrepreneurship.

However, just as no two fingers are alike, conflicts and family disputes can lead to the collapse of this institution. Unfortunately, as a result of various divorces and acts of violence, many innocent children suffer, and what is even more distressing, cases of suicide among women and adolescents are increasing.

First, what is domestic (household) violence? Let's discuss its causes and consequences. Domestic violence is not just physical abuse within a family. It can be psychological, sexual, or even economic. Domestic violence is a pattern of repeated physical, sexual, and emotional abuse and behaviors used by one person to exert power and control over another in a relationship. It mainly manifests as violence by a husband toward his wife or children.

Globally, one in three women experiences physical or

sexual violence, and in most cases, this violence is perpetrated by an intimate partner. Unfortunately, violence against women is also a serious social issue in Uzbekistan.

Our people deeply respect family traditions. In Uzbek families, girls are raised to be obedient to men from an early age. A newly married bride is expected to submit to her husband and his family in all matters. This is also mentioned in Islam. However, the disruption of balance within family values can lead to the devaluation and oppression of women, resulting in emotional and physical abuse. Many men resort to violence because they perceive it as normal. Since women are not active decision-makers, all problems in the household are resolved by other family members, such as the husband and mother-in-law.

Many cases of domestic violence are simply considered family matters and are not taken seriously. Uzbek women rarely report domestic violence to law enforcement authorities due to fear of negative societal judgment and gossip. Women prioritize preserving the family for their children's sake. A divorced woman often doubts that she will be able to rebuild a better life and does not want her child to grow up without a father. As a result, she chooses to endure and live in silence. When a woman who suffers from abuse does not speak out, the abusive husband further intensifies his oppression. This violence also negatively affects the children's psychological well-being. The increasing mortality rate among women in recent years is also due to their lack of awareness of their rights, as well as the abusive husband's ignorance or disregard for state laws.

In many cases, the tendency toward violence in men or women is shaped from childhood. Being raised in an incomplete family, experiencing psychological trauma, lacking love and attention, and, in general, improper upbringing further increase an individual's aggressiveness.

Research conducted by the "Family and Women" Research Institute has revealed that domestic violence often stems from the absence of love between spouses (17.7%), the husband's alcoholism (15.7%), household issues (11%), suspicious messages on the phone (7.4%), and infidelity (3.2%). In various psychological studies, 39.4% of surveyed women believe that violence in Uzbek families is often triggered by a wife responding to her husband in a way he does not like. Additionally, 26% mentioned the husband's wounded pride, while 26.3% attributed it to insults directed at the husband's close relatives.

"Until criminal punishment is established for domestic violence, and until the state's stance on this crime is

clearly reflected in the Criminal Code, we will remain stuck in one place. Nothing else will help—neither superficial measures, nor the most advanced gender projects, nor attempts to educate through empty words. First, a law must be introduced that defines the responsibility towards women and ensures their protection. The rest will follow afterward," says Said Mirziyoyeva.

Of course, if such acts of violence are not regulated by our laws and subordinate legal acts, they will continue to increase. In this regard, in 2023, amendments were made to the Administrative Responsibility Code (ARC) and the Criminal Code (CC) by introducing articles on "Domestic (Household) Violence." Specifically, Article 59-2 of the ARC and Article 126-1 of the CC were introduced to hold individuals accountable for committing domestic (household) violence.

Obstructing a spouse (or ex-spouse), a cohabiting partner, or a person with whom one has a common child from exercising property rights, receiving education, accessing healthcare, or engaging in labor; intentionally damaging their property and personal belongings; as well as humiliating, intimidating, isolating them from close relatives in a manner that negatively affects their health—provided that these actions do not constitute a crime or another offense specified in this Code shall result in a fine ranging from ten to twenty times the base calculation amount or up to ten days of administrative detention.

(ARC, Article 59-2: Domestic (Household) Violence; CC, Article 126-1).

According to court statistics, in 2023, 2,638 criminal cases and 10,091 administrative offenses related to violence and harassment against women were reviewed in Uzbekistan. According to the Supreme Court, under Article 59-2 of the ARC (domestic (household) violence), 4,343 individuals were held administratively accountable, of whom 2,344 were fined, and 1,999 were sentenced to administrative detention. Under Article 126-1 of the Criminal Code (domestic (household) violence), 134 individuals were convicted, with 51 receiving imprisonment sentences and 83 receiving non-custodial penalties.

Although a significant portion of Uzbekistan's population resides in urban areas, the vast majority of domestic violence cases (particularly 82.2% of administrative offenses) occur in rural areas. According to reports, the highest number of domestic violence cases have been recorded in Tashkent, Navoi, Jizzakh, Bukhara, and Fergana regions, while the lowest numbers are observed in the Republic of Karakalpakstan, Tashkent city, and Khorezm region.

Administrative cases related to domestic violence, by

region and population ratio.

Regions	Number	Percentage
Andijan city	19%	2.95%
Andijan district	8%	2.8%
Asaka district	5%	1.41%
Baliqchi district	4%	1.85%
Bo‘ston district	3%	3.85%
Buloqboshi district	3%	1.96%
Jalolquduq district	3%	1.51%
Izboskan district	3%	1.18%
Qo‘rg‘ontepa district	6%	2.16%
Marhamat district	4%	2.13%
Oltinko‘l district	2%	1.04%
Paxtaobod district	4%	1.92%
Xonobod city	1%	2.18%
Ulug‘nor district	1%	—
Xo‘jaobod district	5%	1.54%
Shahrixon district	5%	1.54%
Total	70%	2.16%

For example, if we analyze the situation in just one region—Andijan province—in 2024, a total of 7,594 cases of domestic violence were recorded. Of these, 6,837 individuals were issued protection orders. The cases included 414 incidents of physical violence, 3 cases of sexual violence, 14 cases of economic violence, 6,172 cases of psychological violence, 987 cases of coercion, and 4 cases of stalking.

Uzbekistan's courts often perceive domestic violence as a "family matter" and, in an effort to preserve the family, restore relationships, or promote reconciliation, administrative cases are being dismissed. Since reconciliation in domestic violence cases does not allow

for exemption from punishment, courts are bypassing this issue by applying Article 21 of the Administrative Responsibility Code (ARC), which allows for exemption from administrative liability due to the "insignificance" of the offense. Such dismissals account for approximately 28% of reviewed cases.

What does "insignificance" mean? This principle states that even if an administrative offense is formally present, it can be deemed insignificant if the nature of the offense, the role of the offender, and the extent of harm caused do not seriously affect the legally protected rights and interests of individuals, the state, or society (ARC, Article 21). However, the ARC does not

provide a clear definition of "insignificant offenses," and domestic violence is not explicitly included as an exception. In cases of domestic violence—especially when it results in bodily injury—it is difficult to justify labeling such acts as "insignificant."

To some extent, courts' difficulties in handling these cases can be understood. The lack of a reconciliation mechanism for domestic violence cases in the ARC poses challenges for both judges and victims. However, the issue must be examined from another angle. Before granting reconciliation, it is crucial to assess the situation carefully and ensure that the perpetrator is not a habitual offender who poses a danger to the victim.

For instance, in Andijan city, many domestic violence cases involve husbands threatening to kill their wives.

➤ In one case, a husband and wife legally divorced due to irreconcilable differences and had two children. The woman, feeling ashamed to return to her parental home, lived in a rented apartment with her children. The husband, pretending to visit the children, attempted to stab his ex-wife out of jealousy, committing both physical and sexual violence against her in front of their children. The court found him guilty under Article 59-2, Part 2 of the ARC and imposed a fine. However, shortly afterward, the same individual committed a similar crime against his second wife. Investigations revealed that he had subjected his first wife to years of continuous physical and psychological abuse.

➤ In another case, a woman left her husband's house due to financial difficulties and moved in with her mother along with their three children. During the holy month of Ramadan, the husband went to bring his wife back but, after an argument with his mother-in-law, stabbed both his wife and mother-in-law on the spot out of rage. (Criminal Code, Article 97-2: Murder.)

Just like a coin has two sides, both parties may share some responsibility for these tragic incidents. However, life is given only once, and crimes must not go unpunished. As stated in Article 25 of Chapter VII of Uzbekistan's Constitution,

"The right to life is an inalienable right of every person and is protected by law. Attempting on a person's life is one of the most serious crimes."

The law now establishes both administrative and criminal liability for "domestic (household) violence," including violence against a spouse (or ex-spouse), a cohabiting partner, or a person with whom one has a common child.

Key legislative changes include:

➤ Stricter penalties for sexual violence, especially against minors. Those convicted of such crimes will no longer be eligible for early release or sentence reduction based on humanitarian grounds.

➤ Criminal liability for sexual harassment and stalking of women, as well as for parents or guardians failing to fulfill their duties toward their minor children.

On April 11, 2023, the President of Uzbekistan signed a law aimed at further improving the protection of women's and children's rights, freedoms, and legal interests.

Under this law:

➤ Victims of violence will receive comprehensive social services based on the "Family-Mahalla-District and Region" approach.

➤ From June 1, 2024, social, psychological, and legal support services will be available at "Inson" Social Services Centers, and protection orders will be issued.

➤ Calls to the "102" hotline regarding violence against women will be registered, and a step-by-step response protocol for law enforcement will be implemented within 24 hours.

Another major legal amendment concerns the qualification of sexual crimes. Previously, a perpetrator's awareness of the victim's age was a key criterion in determining guilt. However, this rule has now been abolished. An offender's claim that they were unaware of the victim's age will no longer exempt them from criminal liability.

Additionally, individuals convicted of sexual violence against minors will be prohibited from working in any field that involves direct contact with children, and a registry of such offenders will be maintained.

Preventing domestic violence is far more critical than simply punishing it. If we can raise the younger generation to be strong-willed, independent thinkers, and morally upright individuals, we can eliminate these social ills. To effectively combat domestic violence and protect women in Uzbekistan, we must not only enact new laws but also change the way they are applied and interpreted.

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