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CONTENTS

12.00.01 – THEORY AND HISTORY OF STATE AND LAW. HISTORY OF LEGAL DOCTRINES

ESHTURDIYEVA FARANGIZ BAKHODIR KIZI

A comparative legal analysis of national legal policy models4

12.00.05 – LABOR LAW. SOCIAL SECURITY LAW

RAKHIMOV MIRYOQUB AKTAMOVICH

Fundamental principles of labor law of the Kyrgyz Republic 13

AZIMOV AZIMBEK AZIZBEK UGLI

The importance of introducing regional “Roadmaps” in supporting youth employment ... 22

12.00.06 – THE LAW OF NATURAL RESOURCES. AGRARIAN LAW. ENVIRONMENTAL LAW

ABDUSAMADOVA ZARINA SHOBIDDIN KIZI

Legal regulation, practice, and systematic analysis of land servitude in the legislation of Uzbekistan and CIS countries 30

12.00.07 – JUDICIAL BRANCH. PROSECUTOR’S CONTROL. ORGANIZATION OF LAW ENFORCEMENT. ADVOCACY

SOBITOVA UMIDAKHON MUROD KIZI

General supervision in the mechanism of ensuring legality: the theoretical and legal aspect of prosecutorial activity 38

12.00.08 – CRIMINAL LAW. CRIMINAL-EXECUTIVE LAW

ACHILOV IZZAT TULKINOVICH

Causes of crimes against the sexual inviolability of minors and conditions contributing to their commission 46

12.00.09 – CRIMINAL PROCEEDINGS. FORENSICS, INVESTIGATIVE LAW AND FORENSIC EXPERTISE

SULTONOVA LOBAR MAMARAYIM KIZI

Extradition as a mechanism of the inevitability of criminal liability 54

12.00.10 – INTERNATIONAL LAW

TILLABOEV SHOHRUKHBEK MIRZATILLO UGLI

The challenges of legal regulation of human rights in the digital age 67

12.00.12 – CORRUPTION PROBLEMS

MUSASHAYKHOV KARIMJON KHUSANXANOVICH

Analysis of corruption factors related to match-fixing in professional sports 78

AHMADJONOV MURODULLO NURALI UGLI

AI and the future of anti-corruption governance 83



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CAUSES OF CRIMES AGAINST THE SEXUAL INVIOABILITY OF MINORS AND CONDITIONS CONTRIBUTING TO THEIR COMMISSION

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Abstract. *The article provides a comprehensive criminological analysis of the causes and conditions contributing to crimes against the sexual inviolability of minors. The study examines theoretical and doctrinal approaches to distinguishing between the concepts of “causes” and “conditions” of crime and assesses their significance in the formation of criminal behavior. The purpose of the research is to identify the key criminological determinants of crimes against the sexual inviolability of minors and to clarify the role of objective and subjective factors influencing their commission. Particular attention is paid to subjective and objective factors influencing the commission of such crimes, including family upbringing, social environment, the level of legal and moral awareness of minors, and victimological characteristics of victims' behavior. Based on the analysis of statistical data, criminal case materials, and judicial practice, the article reveals the dynamics, structure, and latent nature of crimes against the sexual inviolability of minors. The research is based on the analysis of official crime statistics, the study of criminal case materials, and comparative legal analysis of legislation regulating the age of sexual consent in foreign countries. The paper also addresses the consequences of sexual crimes for the physical and psychological development of children and presents a comparative legal analysis of the age of sexual consent in foreign jurisdictions. The article concludes with recommendations aimed at improving mechanisms for the prevention of sexual crimes against minors and strengthening the protection of children's rights.*

Keywords: *crimes against the sexual inviolability of minors, criminological causes, crime conditions, victimology, family upbringing, latent crime, crime prevention, sexual offenses, age of sexual consent*

Introduction

The issue of the causes of crime and the conditions that contribute to its commission has traditionally been central to criminological research and is addressed to some extent in virtually every criminological work. These factors form one of the structural elements of criminology—the determinants of crime, which are a set of social phenomena (social, economic, demographic, ideological, socio-psychological, political, organizational-managerial, and others) that give rise to crime, create the preconditions for committing criminal acts, or create favorable conditions for the realization of criminal intentions.

Human behavior as a whole is subject to the law of causality. The commission of any crime is the result of the interaction between the moral and psychological state (antisocial behavior) that has formed in the individual and the specific social environment that existed at the time the crime was committed. In this case, antisocial behavior, which is ingrained in the individual's consciousness, is the cause of the crime, while the specific social environment in which the crime is committed is expressed as the conditions that make it possible to commit the crime (Khuzhakulov, 2019).

The causes of crime should be understood as a set of phenomena, events, and processes that lead to the commission of crimes, fuel crime, and ensure its reproduction. In contrast, the conditions of crime do not directly cause crime, but they contribute to its commission by facilitating the realization of criminal intent (Fazilov, 2018).

In this context, the position of S.B. Khuzhakulov deserves attention. Considering the causes and conditions of offenses from a criminological point of view, he points out that antisocial behavior existing in the mind of an individual is the cause of an offense, while the specific social environment at the time of its commission is the condition that creates the possibility of an offense. At the same time, the author considers the inadequacy of propaganda and explanatory work and public control not as a "cause" but as a "condition" for the commission of an offense.

Scientific literature also expresses the view that in the presence of a cause but in the absence of conditions, or in the presence of conditions but in the absence of a cause, an offense is not committed. This statement can only be partially agreed with. The cause is primary: even in the absence of favorable conditions, it strives to create them and ultimately leads to the commission of a crime. If the conditions exist but the cause is absent, the conditions themselves are not capable of giving rise to criminal behavior, and the crime is not committed.

A similar position was expressed by G.F. Hegel, who noted that cause is an active principle that sets conditions in motion; at the same time, cause can only be understood through its effect, just as the nature of the effect can only be understood through its cause, since they are mutually dependent (Hegel, 1973).

In philosophy, the category of "cause and effect" is seen as an expression of the interconnection, influence, and counteraction of objects and phenomena in the surrounding world. Cause refers to the primary phenomenon that, as a result of movement and changes over a certain period of time, gives rise to another phenomenon—the effect. The effect, in turn, is a new phenomenon that arises under the influence of the cause. For each effect to occur, certain conditions are necessary in addition to the cause. However, conditions are not identical to causes: they only influence the process of realizing the cause and play a special role in its transformation into an effect. It has been proven that conditions alone, in the absence of a cause, are not capable of producing an effect.

Developing this position, M. Berlybekov notes that "the cause is complex and multifaceted: one cause forms the criminal motive, another contributes to its awareness and reinforcement, and a third creates the conditions for the realization of this

motive.” (Berlybekova, 2005). N.T. Ismailov emphasizes that “the cause manifests itself in interaction with conditions and it is through this interaction that it produces a consequence.” (Ismoilov, 2006).

The semantic content of the concepts of “cause,” “condition,” and “requirement” is also revealed in the Explanatory Dictionary of the Uzbek Language, where a cause is understood as a basis, reason, or factor that led to the emergence or commission of a certain action, event, or phenomenon; a condition is interpreted as an objective situation or circumstance that affects the possibility of a certain phenomenon occurring; and a requirement is defined as a mandatory condition, rule, or norm imposed by one party on another within the framework of the relevant relationship.

Methods

According to the results of research conducted by M.K. Urazaliyev, the factors contributing to the commission of violent sexual crimes against minors in the family are conditionally divided into the following groups:

- a) an unfavorable moral and psychological environment in the family;
- b) weak or insufficient moral and ethical education in the family;
- c) antisocial behavior of one or more family members;
- d) material deprivation and economic hardship;
- e) alcohol abuse;
- f) unreasonable (excessive) jealousy and marital infidelity;
- g) early marriages and inappropriate interference in the relationships of young families (Urazaliyev, 2008).

The methodological basis of the research consists of general scientific and special legal methods widely used in criminological studies.

In particular, the following research methods were applied:

- the comparative legal method, which allowed the analysis of foreign legislation regulating the age of sexual consent;
- statistical analysis of official crime data in the Republic of Uzbekistan for the period 2010–2024;
- criminological analysis aimed at identifying the causes and conditions contributing to crimes against the sexual inviolability of minors;
- analysis of criminal case materials and judicial practice related to sexual crimes involving minors.

The use of these methods made it possible to conduct a comprehensive criminological analysis of the determinants of such crimes.

Results

In general, this classification of factors seems reasonable, but it confuses the causes and conditions of crime. This circumstance, in turn, complicates the development of measures to eliminate them, their practical implementation, and the distribution of functions and tasks among the entities responsible for crime prevention.

Therefore, from a criminological perspective, it is important to clearly differentiate between the causes that generate criminal behavior and the conditions that facilitate the realization of criminal intent.

P.K. Paizullaev, explaining this situation, points out that an individual belonging to a certain social group may oppose the legal and social norms recognized by society, resulting in a clear contradiction between the individual’s position and the interests of society. At the same time, this approach also fails to make a clear distinction between the causes and conditions of crime, which reduces its practical significance (Paizullaev, 2006).

F. Tokhirov links the commission of sexual crimes against minors to a combination of objective and subjective factors. He considers intra-family conflicts, alienation and indifference between family members, low levels of moral education, the negative influence of the media, and the impact of informal groups to be objective factors. Subjective factors, in his opinion, are expressed in society's attitude towards immoral behaviour by minors, a tendency towards self-expression, a lack of awareness of the consequences of one's actions, an interest in early sexual relations and an underestimation of their dangers (Takhirov, 2007).

Supporting F. Tokhirov's position on the distinction between objective and subjective factors, it should be noted that the factors he lists are general in nature and do not fully reveal the specifics of crimes against the sexual integrity of minors.

In crimes against the sexual integrity of minors, the level of moral education is of particular importance. The personal characteristics of minors, the lack of stable moral guidelines, and a low level of legal awareness and legal culture are among the key factors contributing to the commission of crimes. A person who readily violates moral norms will, as a rule, just as readily violate the requirements of criminal law.

Identifying the causes of criminal behavior requires, first and foremost, studying the characteristics of the social environment in which it develops, since criminal behavior is not exclusively the result of subjective personal qualities. It develops as a consequence of the interaction of subjective and objective processes, conditions, and social relations (Umarov, 2008).

It is well known that crime in general is influenced by common causes and factors. However, when it comes to sexual crimes, especially those against children, there are specific causes and conditions that distinguish them from other types of crime and require separate criminological analysis.

A number of Russian scholars point to these characteristics. For example, Yu. B. Truntsevsky notes the existence of an unhealthy moral environment in society and a lack of moral education (Truntsevsky, 1997); N. Gaidarenko emphasizes the insufficient parental supervision regarding the upbringing of children, while G. Zabryansky points to the inability of parents to meet the material needs of their children, as well as the distorted perception of this financial gap by the minors themselves.

Taking into account the scientific positions outlined above, it can be stated that in modern conditions, insufficient control over the moral development of young people under the influence of foreign films, the media, and social networks leads to minors increasingly becoming not only victims but also direct perpetrators of sexual crimes.

Inadequate upbringing of minors or the influence of various negative social factors on them has a long-term impact on their future lives. Criminological studies convincingly prove that the earlier a person embarks on a path of criminal behavior, the longer and more dangerous it becomes. At the same time, the main factor contributing to the early involvement of minors in sexual relations is not urbanization or other demographic changes, but primarily shortcomings in family upbringing, educational work in schools, work collectives, and the microsocial environment.

F. Tokhirov, analyzing crimes against the sexual integrity of minors, points out that the origins of these crimes should be sought primarily in the transformation of family upbringing and the weakening of the educational function of the family.

At the same time, S.S. Ostroumov and N. F. Kuznetsova express the view that mistakes made in family upbringing are not the causes of crime, but rather conditions that contribute to its emergence (Kuznetsova, 1984). It is impossible to fully agree with this point of view, since in criminological analysis it is advisable to clearly distinguish between

subjective and objective causes of crime, as well as the conditions that contribute to their realization. In this context, shortcomings in family upbringing should be considered objective causes, since conditions cannot give rise to a cause, whereas the existence of a cause can lead to the formation of corresponding conditions. In other words, the cause shapes the conditions, and the conditions merely contribute to the commission of a crime.

Discussion

Based on the above, it seems appropriate to examine crimes against the sexual integrity of minors through the prism of subjective and objective causes, as well as subjective and objective conditions that contribute to their commission.

From the standpoint of modern criminology, crimes against the sexual inviolability of minors should be analyzed not only through legal norms but also through the interaction of social, psychological, and victimological factors.

The subjective causes and conditions of crimes against the sexual integrity of minors are related to the personality of the minor himself, while the objective causes and conditions cover not only the personality of the victim, but also the negative impact of the social environment.

Subjective causes of crimes against the sexual integrity of minors include the minor's worldview and spiritual world, their interests and needs, value orientations and life plans, level of legal awareness and legal culture, lifestyle, goals, and motives for behavior.

Objective reasons include an unfavorable family environment, immoral behavior of family members, negative influences outside the family environment (school, neighborhood, small social groups), crime rates in the area of residence, and the negative impact of the media, including the Internet and social networks.

Subjective conditions contributing to crimes against the sexual integrity of minors include the demographic and socio-psychological characteristics of the victim, in particular their character, temperament, age, gender, level of education, health status (including disability), communication skills, as well as the creation by the minors themselves of favorable conditions for engaging in sexual relations.

Objective conditions include the incompatibility of legislation and subordinate acts with modern requirements, the absence of systematic sex education, fear of discussing this topic and feelings of shame, as well as the victim's own victim-like behavior, expressed in lifestyle and behavior patterns that create conditions for the commission of crimes.

Conclusion

It should be noted that crimes against the sexual integrity of minors have distinct victimological characteristics. In this context, it is particularly important to study the behavior of victims in depth, as in many cases it influences the mechanism of committing the crime.

Victim behavior can be divided into several groups.

The first group is provocative behavior, in which the victim's actions or behavior encourages acquaintances or strangers to engage in sexual relations. According to P. Paizullaev, victims with this type of behavior make up 10–15% of all victims of sexual crimes, while in a number of European countries this figure reaches 35–45%.

The second group is behavior that creates conditions for the commission of a crime, such as the victim being in deserted and uncontrolled places at night, walking alone in high-risk areas, provocative manner of dress, contact with persons under the influence of alcohol, etc. According to research, victims with this type of behavior account for 25–30%.

The third group is passive (neutral) behavior, in which a person, unaware of the danger, actually creates conditions for their own victimization. This category primarily

includes young children and elderly people. This type of behavior accounts for 40–50% of all cases of victimization.

Insufficient attention from parents to raising their children, the transfer of parenting responsibilities to third parties, and the prolonged absence of parents due to labor migration often lead to minors developing feelings of social insecurity and vulnerability.

Practice shows that a significant proportion of minors who have been victims of sexual crimes were raised in single-parent families or in families where one or both parents were outside the country for a long time due to work.

Identifying specific criminological characteristics of crimes against the sexual integrity of minors requires a comprehensive study of: a) their quantitative and qualitative indicators, including their status, dynamics, structure, level, and geography; b) the criminological and victimological characteristics of the perpetrators of these crimes, as well as the victims; c) factors that determine both the commission of these crimes and the victimization of minors, in an interrelated and systematic manner.

Quantitative and qualitative indicators of sexual crimes against minors are closely interrelated. A change in one of these indicators inevitably leads to a change in the other. The quantitative and qualitative characteristics of this category of crimes are revealed through an analysis of the dynamics, level, and structure of crime.

In criminological literature, along with the categories mentioned above, the concept of “crime situation” is also used. According to I.I. Karpets, the crime situation is the totality of crimes committed and the persons who committed them (Karpech, 1969). This position seems reasonable, since the overall crime situation is formed not only by the number of registered crimes, but also by the characteristics of the criminals. At the same time, it is advisable to determine the crime situation precisely through its quantitative and qualitative indicators. Quantitative indicators are revealed through crime dynamics, while qualitative indicators are revealed through its level and structure.

Crime dynamics refers to changes in the state of crime over a certain period of time (month, quarter, half-year, year, five-year period, decade, etc.), expressed in an increase or decrease in both the total number of crimes and their qualitative characteristics.

The results of a comparative analysis of quantitative and qualitative indicators of crimes against the sexual integrity of minors reveal a number of characteristic criminological features.

First, the share of this category of crimes in the overall crime structure over the past ten years averaged 1.25% (ranging from 1.2% to 2.1%). At the same time, the dynamics in 2014–2016 showed an average annual decrease of 9.6%, and in 2017–2020, a decrease of 3.1%. However, in 2021, compared to 2010, there was a 1.9-fold increase, in 2022, an increase of 20% compared to the previous year, in 2023, an increase of 18%, and in 2024, an increase of 21.6% compared to 2023.

Secondly, a comparative analysis of the dynamics of crimes committed in 2016–2024, such as sexual assault of a person under the age of 14, satisfying sexual desire in an unnatural form in relation to a person under the age of 14, and sexual intercourse with a person under the age of 16, shows that, despite differences in the dynamics of these crimes, their share in the overall crime structure is as follows: 0.9% — sexual assault of persons under the age of 14; 1.7% — satisfying sexual desire in an unnatural form. At the same time, these figures are 8.9 and 5.1 times higher than the corresponding figures for crimes involving sexual intercourse with a person under the age of 16.

Thirdly, in the structure of crime, in all time periods, the proportion of crimes related to sexual assault on persons under the age of 14, as well as to the satisfaction of sexual desire in an unnatural form, remained lower than the proportion of crimes related to sexual

intercourse with a person under the age of 16. At the same time, statistical data on these crimes differ significantly from their actual level, which indicates a high degree of latency.

Fourth, over the past ten years, the average annual crime rate (coefficient) calculated per 10,000 people was: 0.19 — sexual assault of persons under the age of 14; 2.15 — unnatural sexual acts against persons under 14 years of age; 7.2 — sexual intercourse with a person under 16 years of age.

Fifth, among those who have committed crimes against the sexual integrity of minors, about 95% are men, but in recent years there has been a steady trend toward an increase in the proportion of women.

Sixth, crimes against the sexual integrity of minors are classified as highly latent crimes. Currently, no more than 20% of such crimes are detected and officially registered, while about 80% remain hidden. This is due to the victims' lack of life experience and low level of legal awareness, fear of publicity, desire to avoid public condemnation, concerns about the minor's future, and threats from the perpetrators or their associates.

The victimological aspect of crimes against the sexual integrity of minors has distinct characteristics and differs significantly from other categories of crimes. In these crimes, the victim's behavior often plays a significant role in the mechanism of criminal assault, which necessitates a comprehensive analysis.

It should be noted that in a number of cases, the victim's behavior is expressed in a demonstrative manner of dressing, the use of revealing clothing (miniskirts, tight pants, clothes with deep necklines, etc.), a tendency to shift communication to a sexual plane, the spread of sexualized jokes and statements, as well as in the formation of interest in sexual relations among those around them. According to research, in 18% of cases, crimes in this category were caused by the victim's sexualized behavior.

An analysis of criminal case materials and interviews with underage victims indicates that in 75% of cases, the victims were unaware of the consequences of their actions; in 15% of cases, sexual contact took place with the formal consent of the victim; in the remaining cases, it was initiated by the victim themselves. It should be emphasized that such circumstances do not exclude the criminal liability of the perpetrator.

For example, in 2022, there was a case where, on the initiative of a minor, A.A., he and his neighbor, a minor, B.B. (both males), systematically engaged in sexual acts to satisfy their sexual desires in an unnatural way. Until 2018, cases of such crimes committed on the initiative of the victims were practically not recorded, but since 2019, there has been a steady upward trend in the number of such incidents.

In our opinion, the increase in the number of cases of "voluntary" participation of minors in sexual relations is due to a number of factors, including early puberty, the active dissemination of sexualized content on social media and the internet, and insufficient control by parents and legal guardians.

At the same time, in accordance with criminal law, the consent of a minor to engage in sexual relations cannot be considered as grounds for refusing to initiate criminal proceedings or exempting a person from criminal liability.

Foreign criminal law practice uses the concept of the age of sexual consent, which is understood to be the age at which a person is capable of consciously and voluntarily consenting to sexual relations. However, the age of sexual consent should not be confused with the age of marriage or the age of full legal capacity.

The age of sexual consent varies significantly from country to country and, depending on national legal and cultural characteristics, can range from 14 to 16 years and, in some countries, can be as high as 18–20 years.

Thus, the age of sexual consent is set at: 14 years old in Germany, Hungary, Italy, and China; 15 years old in France, Denmark, Sweden, and the Czech Republic; 16 years old in Uzbekistan, the Russian Federation, Kazakhstan, Canada, the United Kingdom, India, Norway, Switzerland, Israel, Singapore, and a number of other countries; and 16–18 years old — in the United States (depending on the laws of each state; in 29 states and the District of Columbia — from 16 years old); no specific age specified — in Qatar, Saudi Arabia, and North Korea, where sexual relations are only permitted after marriage (Rashidova, 2022).

Thus, comparative legal analysis shows that establishing the age of sexual consent is a common international practice aimed at protecting the rights and legitimate interests of minors, as well as preventing the sexual exploitation of children.

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