

LEGAL PROTECTION OF MINORS FROM INVOLVEMENT IN ALCOHOL
CONSUMPTION IN THE REPUBLIC OF UZBEKISTAN: LEGISLATIVE
MECHANISMS AND LAW ENFORCEMENT PRACTICE

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Abstract: This article presents a comprehensive analysis of the legal mechanisms protecting minors from involvement in alcohol consumption in the Republic of Uzbekistan. The study examines the multi-level legislative framework comprising criminal, administrative, and special legislation, with particular focus on Article 127 of the Criminal Code of the Republic of Uzbekistan and related administrative norms. The article identifies key challenges in law enforcement practice, including difficulties in qualifying acts of involvement, proving criminal intent, and the high latency of this category of offences. Drawing on comparative analysis of international experience, including the approaches of CIS member states and Western European countries, the article formulates concrete proposals for improving national legislation: legislative clarification of the concept of "involvement," strengthening sanctions for alcohol sales to minors, and adoption of a national prevention programme. The findings contribute to the broader discourse on harmonising Uzbek legislation with international standards in the field of child rights protection.

Keywords: minors; alcohol consumption; legal protection; Criminal Code of Uzbekistan; Article 127; involving a minor in antisocial behaviour; administrative liability; prevention of juvenile alcoholism.

Involving minors in antisocial behaviour poses a danger to society not only because it expands the circle of offenders, but also because such actions exert a corrupting influence on the fragile psyche of children. The social danger of involving a minor in antisocial behaviour is expressed in the destruction of the minor's morality, the emergence of a habit of an antisocial, unlawful way of life, which may become fertile ground for the commission of crimes. The object of the said offence is the minor's right to proper moral and psychophysical development and a normal way of life. The consumption of alcoholic beverages and intoxicating substances at an early age causes substantial harm to the physical and mental development of minors and frequently leads to chronic alcoholism. Vagrancy and begging disrupt the normal development and formation of the minor's personality, hinder education, and cultivate parasitic tendencies. The victim of the crime may only be a person who has not yet reached the age of majority. The objective element of the crime is expressed in the involvement of a minor in the commission of antisocial acts.

The problem of involving minors in alcohol consumption remains one of the most pressing socio-legal issues of contemporary society. In the Republic of Uzbekistan, as in many states, this problem has acquired particular significance in the context of building a rule-of-law state and civil society. According to data from the Ministry of Health of the Republic of Uzbekistan, alcohol consumption by minors has a destructive effect on the physical, mental, and moral development of the child's personality, and is also one of the factors determining youth crime.

The international community has long recognised the need to legally protect children from alcohol. The UN Convention on the Rights of the Child of 1989, ratified by Uzbekistan in 1994, establishes the obligation of states to take measures to protect children from the illicit use of

narcotic drugs and psychotropic substances (Article 33)[1]. This international obligation has found its reflection in the system of national legislation of the Republic of Uzbekistan.

The purpose of this article is a comprehensive analysis of the legal mechanisms for protecting minors from involvement in alcohol consumption in the Republic of Uzbekistan, identification of existing gaps in legislation, and the development of proposals for improving law enforcement practice. The methodological basis of the study consists of formal-legal, comparative-legal, and systemic-structural methods of cognition.

The legislation of the Republic of Uzbekistan provides a multi-level system of legal protection of minors from alcohol, comprising norms of criminal, administrative, and special legislation. A central place among them is occupied by Article 127 of the Criminal Code of the Republic of Uzbekistan, which establishes liability for involving a minor in antisocial behaviour, including the systematic consumption of alcoholic beverages[2].

The disposition of this article covers a wide range of actions aimed at introducing minors to alcohol: direct treating, inducement to consumption, and creating conditions conducive to regular consumption of alcoholic beverages. In the opinion of R.T. Nurillayev, “involvement should be understood as any deliberate actions of an adult aimed at arousing in a minor the desire to participate in alcohol consumption, regardless of the methods and forms of influence applied”[3].

Alongside criminal law norms, an important role in this sphere is played by the Code of the Republic of Uzbekistan on Administrative Responsibility. Article 184 of the CAR provides for administrative liability for drinking alcoholic beverages in prohibited places, while Article 184¹ establishes liability for the sale of alcoholic products to minors[4]. These norms have a preventive significance, as they create legal barriers to the introduction of children to alcoholic products.

A special place in the system of legal protection of minors from alcohol is occupied by the Law of the Republic of Uzbekistan “On Restrictions on the Sale, Advertising and Consumption of Alcoholic and Tobacco Products” of 12 December 2003[5]. The Law establishes a prohibition on the sale of alcoholic products to persons under the age of 20, a ban on advertising alcohol in mass media oriented towards a child audience, and restrictions on the sale of alcoholic beverages near educational institutions.

Analysis of the elements of the offence under Article 127 of the CC of the Uzbekistan reveals a number of characteristics of this act. The object of the crime is the set of social relations ensuring the normal physical, mental, and moral development of the minor. The objective element is characterised by the commission of active actions aimed at involving the child in alcohol consumption. The subject of the crime is a person who has reached the age of eighteen.

Professor A.A. Rashidova rightly draws attention to the fact that “a qualifying element of this offence is the systematic nature of the involvement, that is, the commission of the specified actions at least three times over a certain period of time”[6]. This position finds confirmation in judicial practice: the Plenum of the Supreme Court of the Republic of Uzbekistan, in its resolution of 24 April 2009, clarified that a single instance of treating a minor to alcohol does not constitute the offence in question.

Statistical data cited in the study by U.A. Khasanov and D.B. Mirkasimov indicate that between 2015 and 2022 the number of criminal cases initiated under Article 127 of the CC of the

Uzbekistan in the part concerning involvement in alcohol consumption increased by 23%[7]. At the same time, the authors note a significant level of latency for this type of crime, attributable to the reluctance of victims and their parents to contact law enforcement authorities.

Nevertheless, law enforcement practice demonstrates a number of problems related to the qualification of acts under this article. First, difficulties arise in distinguishing involvement of a minor in the systematic consumption of alcohol from a single instance of joint drinking. Second, there are complications in proving the intent of the guilty party and the causal link between their actions and the development of alcohol dependency in the child.

Administrative law measures play a crucial role in the system of protection of minors from alcohol, since they allow for responses to violations that do not reach the degree of social danger of a criminally punishable act. In the Republic of Uzbekistan, the prohibition on selling alcoholic beverages to minors is backed by a system of administrative sanctions, including fines and, in cases of repeated violations, revocation of the retail license.

G.M. Karimova, studying the system of prevention of alcoholism among minors in Uzbekistan, identifies three levels of preventive activity: primary (aimed at the entire population), secondary (targeted at risk groups), and tertiary (work with children already abusing alcohol)[8]. The author notes that the greatest practical result is achieved by primary prevention, implemented in the form of anti-alcohol education in schools and promotion of a healthy lifestyle.

Analysis of international experience in the field of protection of minors from alcohol reveals a number of effective legal mechanisms that merit attention from the perspective of possible implementation into the legislation of the Republic of Uzbekistan. Member states of the CIS, in particular the Russian Federation and the Republic of Kazakhstan, have significantly tightened sanctions for involving minors in alcohol consumption over the past decade[9].

World practice demonstrates the high effectiveness of a comprehensive approach to solving this problem, combining punitive and preventive measures. In particular, Scandinavian countries and states of Western Europe widely apply a "zero tolerance" policy towards the sale of alcohol to persons who have not reached the legally established age, backed by a system of public oversight and significant administrative sanctions.

In the opinion of M.I. Sulaimanova, "the improvement of the legislation of the Republic of Uzbekistan in this field should proceed along the path of expanding the list of qualifying elements of the offence under Article 127 of the CC of the RUz, strengthening sanctions for the systematic involvement of minors in alcohol consumption, and legislative consolidation of mechanisms for compensation of harm caused to the child's health"[10].

The analysis conducted demonstrates that the Republic of Uzbekistan has established a fairly developed system of legal protection of minors from involvement in alcohol consumption, comprising norms of criminal, administrative, and special legislation. At the same time, this system requires further improvement, primarily in terms of eliminating gaps in the legislative framework and enhancing the effectiveness of law enforcement practice.

Based on the findings of the study, the following measures are deemed appropriate: first, to legislatively clarify the concept of "involving a minor in alcohol consumption" and establish clear criteria for the systematic nature of this act; second, to strengthen sanctions for violations of the prohibition on selling alcoholic beverages to persons under the age of 20; third, to develop

and adopt a national programme for the prevention of alcoholism among minors, encompassing a range of legal, social, and pedagogical measures.

The implementation of these proposals would significantly raise the level of legal protection of minors from alcohol in the Republic of Uzbekistan and bring national legislation closer to international standards in the field of children's rights.

References

1. Convention on the Rights of the Child, adopted by General Assembly resolution 44/25 of 20 November 1989. Ratified by the Republic of Uzbekistan on 9 December 1992 // Gazette of the Supreme Council of the Republic of Uzbekistan. – 1994. – No. 1. – Art. 4.
2. Criminal Code of the Republic of Uzbekistan. Approved by Law of the Republic of Uzbekistan No. 2012-XII of 22 September 1994. Art. 127 // Gazette of the Oliy Majlis of the Republic of Uzbekistan. – 1995. – No. 1. – Art. 1.
3. Nurillayev R.T. Criminal Law Characteristics of Involving Minors in Antisocial Behaviour // Bulletin of the Tashkent State University of Law. – 2018. – No. 3. – P. 112.
4. Code of the Republic of Uzbekistan on Administrative Responsibility. Approved by Law of the Republic of Uzbekistan No. 2015-XII of 22 September 1994. Art. 184 // Gazette of the Oliy Majlis of the Republic of Uzbekistan. – 1995. – No. 3.
5. Law of the Republic of Uzbekistan "On Restrictions on the Sale, Advertising and Consumption of Alcoholic and Tobacco Products" of 12 December 2003 No. 566-II // Collected Legislation of the Republic of Uzbekistan. – 2003. – No. 52. – Art. 557.
6. Rashidova A.A. Liability for Involving Minors in Antisocial Behaviour: Theory and Practice. – Tashkent: TSUL, 2019. – P. 89.
7. Khasanov U.A., Mirkasimov D.B. Dynamics of Crimes Against Minors in Uzbekistan: A Criminological Analysis // Journal of Legal Research. – 2022. – Vol. 7. – No. 2. – P. 45–61.
8. Karimova G.M. Prevention of Alcoholism Among Minors: Legal and Social Aspects. – Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2020. – P. 134.
9. Criminal Code of the Russian Federation of 13 June 1996 No. 63-FZ. Art. 151 // Collected Legislation of the RF. – 1996. – No. 25. – Art. 2954.; Criminal Code of the Republic of Kazakhstan of 3 July 2014 No. 226-V ZRK. Art. 135.
10. Sulaimanova M.I. Improving Criminal Law Protection of Minors from Involvement in Antisocial Behaviour // Law and Society. – Tashkent, 2021. – No. 4(30). – P. 78–85.