

THE CHARACTER OF THE PROSTITUTION AS THE NEGATIVE SOCIAL PHENOMENON

Urazaliev Murodbek

Senior science researcher of Tashkent state university of law,
the candidate of jurisprudence
Tashkent state university of law
Tashkent city, Chilanzar region, quarter 16, 29/54
e-mail: murodbek1515@gmail.com

Abstract. *This article focuses on some of the issues of solving problems of the prostitution as well as researching some aspects of involving young men and women into the prostitution. The author in the article puts forward its position on controversial issues for solve the prevention of the prostitution.*

Key words: *the prostitution, criminality, prevention, social deviation, criminal association.*

Introduction. As we know, the prostitution means rendering of sexual services permanently. The "affair" is the carrying out of some action for a definite time. Indeed, the "affair" is the work, business. [1]. The origin character of any work, as a rule, shows up in carrying out of it for a definite time and repeating permanently the actions that makes up the meaning of that work. A whole rank of authors includes into the meaning of the prostitution permanency of sexual services, at the same time they realize by this rendering of sexual services at least three times. So, V.P. Stepalin notes only one sexual intercourse for pecuniary reward couldn't be prostitution. [2].

But, in our opinion, this approaching to a problem is very perfunctory. We don't refuse the permanency of sexual services as a main character of the prostitution, at the same time we think, that the meaning of searching conception on level with rendering of sexual services permanently includes the purpose of the man (woman) entering into the prostitution.

The notation for a purpose of rendering of sexual services permanently of the person entering into the prostitution gives an opportunity insert in the row of prostitutes the ones rendering of sexual services permanently and others wanted rendering of sexual services permanently.

As S.I. Golod and American sexologist A. Kinzy notes, if all sexual intercourses of woman where appear money recognize as a prostitution, we couldn't distinguish the prostitution from the sexual intercourses of married couple, cause every

husband sometimes makes a present to his wife (at least, he brings emolument), in other words the level of mental and psychological needs of sex holds decisive importance.[3]V.M.Tarnovski also agrees with this idea: the prostitute woman is "ready to sell out her body anyone who offering the money compensation", on the contrary frivolous woman often changes lovers but it always happens "disinterestedly, honestly and whole-heartedly". [4]

L.Martinonames prostitute the woman which "doesn't choose her customer", but he doesn't exclude opportunity of being prostitute the woman who "choose her customerflippantly or indifferently", generally, he express the prostitution as the "trade of sexual pleasure for persons". [5]

The importance of appreciate the level of mental and psychological needs notes also by M.Rabuto, he had said deficiency of personal choice, being ready to sell out oneself body to anyone was the most constitute sign of the prostitution. [6]

Disregard of this sign on assumption of conception of the prostitution gives an opportunity to polemics about questions what made rendering of sexual services, the self-interest or burn with the desire to come into sexual intercourses, in our opinion it's unallowable situation.

Therefore, when we give the conception of the prostitution, we are agree with the ideas of Y.I.Gilinski, S.I.Golod and other researchers about importance of mental and psychological needs, sympathy with somebody at rendering of sexual services.[7]

In our opinion, an emotional indifference is one of the most characters of the prostitution. That sign point at the readiness of the person rendering of sexual services sell out her (his) body to anyone. The situations, when the prostitute sympathize with some of her clients, feel hostility to others and refuses for rendering of sexual services couldn't be reason of regarding the emotional indifference as an unimportant sign, because in result the indifference with the client who pay for rendering of sexual service shows about priority of self-interest of motives of the prostitution.

In the popular scientific literature the question of importance of the sign of emotional indifference is very disputable.

Some author suppose, the emotional indifference with the client couldn't be component part of the prostitution, because the prostitute may select her (his) clients and refuse of unpleasant person;[8] other authors recognize the emotional indifference with the client like a facultative part of the prostitution and accept opportunity of sympathize of prostitute with some of her clients or selecting their willfully.[9]

We suppose, foregoing conceptions of the prostitution is not enough to allocate it by force of legislation. *Firstly*, in these conceptions the prostitution recognise as the actions of limited stage of life of person, the special stage of life.

Their couldn't be applied to individual action, for example, rendering of sexual service for any client or quite a number of non identify clients (several persons).

Secondly, in the analysed conceptions offered definition of permanency – “rendering of sexual services permanently” couldn't give an opportunity like a prostitution the occurring once actions of the sexual intercourses for a fee or doing this action with different persons without permanency as well as offer oneself the sexual service for a fee.

At the same time, the UN International Convention “Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others” (march 21, 1950) had contemplated the next definition of the prostitution – “satisfy the somebody's sexual requirements for a fee” and had not noted about permanency as well as not determined it as a character of the prostitution, that is to say, per se, momentary rendering of sexual services can be appreciate like the prostitution.

In our opinion, the prostitution is a social-legal conception, so the definitions offered by the researchers of another sciences couldn't be included into the criminal law, because that researchers recognize the prostitution as an activity going on for a definite time or a proceed of several transactions, it doesn't give an opportunity apply it in full measure. This approaching to a problem of conception of the prostitution is very perfunctory and it unreasonable constricts the meaning of this conception and couldn't give the chance to solve the missions of the criminal legislation.

We consider, the constituent element of offences concerned with the involving into the prostitution and organization of the prostitution demands another approaching to give the conception of the prostitution excluding significance and abstractedly assessments.

So, to recognize the actions of some as prostitution we have to analyze not only meaning of her (his) activity but we must to get right the main aim, purpose of the person.

Conclusions. On the basis of the opinions of above-stated authors and analyse of law enforcement practice we can recommended to give the next definition of the conception of the prostitution:

The prostitution – the act, directed to come into the sexual intercourses outside marriage with the different persons for a fee and uninformed on the personal sympathy or need, entering into the sexual intercourses outside marriage with the different persons permanently as well as offering oneself body for the sexual intercourses outside marriage with the different persons permanently.

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