

The Concept and Legal Characteristics of the Crime of Brothel

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Abstract: In this scientific article, the concept of the crime of brothel-keeping, its criminal-legal nature and legal features are analyzed scientifically, theoretically and practically. The article reveals the content of the crime of brothel-keeping based on the norms of the criminal legislation of the Republic of Uzbekistan, in particular the Criminal Code, concerning crimes against morality. The scientific views, legislative approaches and international experience of scientists from the CIS countries have also been studied using the comparative legal method. During the scientific discussions, the existing problems related to the object, objective and subjective signs of the crime of brothel-keeping were considered. The author points out some of the problems of law enforcement encountered in practice, and puts forward scientifically sound conclusions and proposals for their elimination.

Keywords: brothel, brothel maintenance, crimes against morality, criminal law, corpus delicti, prevention, criminal law.



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The protection of spiritual and moral values in society is one of the important tasks of the state. In this regard, crimes against morality, in particular, crimes related to the maintenance of brothels, require special attention due to their social danger, the possibility of widespread occurrence, and negative consequences. The crime of keeping a brothel poses a serious threat not only to public morality, but also to the institution of the family, the spiritual development of the individual, and the healthy environment of society.

In the Criminal Code of the Republic of Uzbekistan, the crime of keeping a brothel is defined as an independent crime and is provided for among crimes against morality[1]. However, practice shows that there are certain problems in the qualification of this crime, its differentiation from other related elements, and the correct assessment of individual elements of the corpus delicti. This, in turn, requires a deeper scientific and theoretical study of the concept of the crime of keeping a brothel.

In the criminal legislation of the CIS countries, including the Russian Federation, the Republic of Kazakhstan, and the Kyrgyz Republic, special attention is paid to the issues of combating prostitution, and in some countries, the legal definition and liability measures for the crime of

keeping a brothel differ from the legislation of Uzbekistan[2]. Therefore, a comparative analysis of the experience of these countries is of great importance from the point of view of improving national legislation.

In the scientific literature, there are different approaches to the content of the crime of keeping a brothel, and some scholars interpret this crime only in connection with the organization of prostitution[3], others consider it an independent and complex form of crime against morality[4]. This indicates the need for further deepening of scientific discussions.

From this point of view, the purpose of this article is to scientifically substantiate the concept of the crime of keeping a brothel, to reveal its criminal-legal characteristics, to analyze existing theoretical and practical problems, and to develop conclusions relevant to practice.

The correct qualification of any crime in criminal law depends, first of all, on a clear definition of its legal concept and content. The crime of keeping a brothel is also among them. A correct scientific and theoretical understanding of the concept of this crime serves to resolve controversial issues arising in its practical application.

The Criminal Code of the Republic of Uzbekistan provides for the crime of keeping a brothel among crimes against morality, the main content of which is expressed in the organization or maintenance of a special place for engaging in prostitution[5]. However, the absence of a clear legal definition of the term "brothel" in the legal norm creates certain difficulties in understanding this crime.

In the scientific literature, there are different approaches to the concept of "brothel." In particular, some authors describe a brothel as a pre-prepared place intended for regular prostitution[6]. Other scholars emphasize that the permanent or temporary presence of this location does not matter for the corpus delicti, and the main focus should be on the purpose and content of the activity[7].

According to the Uzbek scholar A.J. Rakhmonov, the crime of keeping a brothel is not limited to owning or leasing a building, but also includes a set of organizational actions aimed at ensuring prostitution[8]. This approach is important from a practical point of view and prevents the artificial narrowing of the corpus delicti.

Similar approaches to this issue exist in the legislation of the CIS countries. For example, in the Criminal Code of the Russian Federation, the organization or maintenance of a place for prostitution entails criminal liability[9]. Russian scientists assess the maintenance of brothels as an independent crime against public morality, emphasizing its high social danger.

At the same time, one of the issues causing scientific debate is the differentiation of the crime of keeping a brothel from such close components as organizing prostitution or inciting it. Some authors consider these acts very close to each other and propose to consider them as a single crime[10].

However, in our opinion, such an approach is incorrect, since the object, objective side, and degree of social danger of each act differ from each other.

In our opinion, the main characteristic of the crime of keeping a brothel is the creation of conditions for prostitution and its constant support. In this case, the form of location, type of ownership, or location are not of decisive importance. The main attention should be paid to the fact that the perpetrator's actions are directed against public morality.

Thus, a broad and correct interpretation of the concept of the crime of keeping a brothel serves to determine its criminal-legal characteristics, as well as to ensure a uniform approach in law enforcement practice.

To reveal the criminal-legal characteristics of the crime of keeping a brothel, it is necessary to conduct a consistent analysis of all elements that make up the *corpus delicti*, that is, the object, objective side, subject, and subjective side of the crime. Correct understanding of the elements of this crime serves to eliminate the problems of qualification encountered in law enforcement practice.

1. Object of the crime of keeping a brothel.

The direct object of the crime of keeping a brothel is public morality[11]. Public morality refers to the moral rules, customs, and generally accepted moral norms adopted in society. Through this crime, a negative impact is exerted on the moral environment in society, and damage is inflicted on the spiritual development of the individual.

Some scholars also point to family interests and public order as additional objects of this crime[12]. Because the existence of brothels leads to the denial of family values and the intensification of negative social situations in public places.

We, in turn, support this opinion, since in practice, crimes related to the maintenance of brothels are often inextricably linked with other offenses.

2. The objective side of the crime of keeping a brothel.

The objective side of the crime of keeping a brothel is expressed in the organization or maintenance of a place for engaging in prostitution[13]. Here, the crime is committed through active action and is considered a crime with a formal composition, i.e., the occurrence of harmful consequences is not required for the completion of the crime.

In the scientific literature, there are different views within the framework of the concept of "preservation." Some authors interpret keeping only in connection with the material provision of the place, while others emphasize the need to include in this concept such actions as the organization, protection, and advertising of prostitution.

In our opinion, the second approach is more expedient, since it fully reflects the real social danger of the crime.

3. The subject of the crime of keeping a brothel.

The subject of the crime of keeping a brothel is a sane individual who has reached the age of 16[14]. Although the legislation does not require a special subject, in practice this crime is often committed by persons with certain organizational abilities and a low level of social adaptation in society.

The legislation of some CIS countries establishes additional requirements for subjects liable for the crime of keeping a brothel. However, the implementation of such an approach in the conditions of Uzbekistan should be assessed with caution.

4. The subjective side of the crime of keeping a brothel.

The crime of keeping a brothel is committed intentionally, usually with direct intent. The perpetrator realizes that their actions are a crime and wants to create or maintain a place for prostitution.

Some scholars have argued that the purpose of obtaining profit should be a mandatory attribute in this crime. However, in practice, keeping a brothel can be done not only for the purpose of obtaining material benefits, but also for other personal interests.

In our opinion, defining the purpose of obtaining profit as a mandatory feature of the *corpus delicti* is considered inappropriate.

The correct qualification of the crime of keeping a brothel is one of the most complex issues in criminal law enforcement practice. This is explained, first of all, by the fact that some features of this corpus delicti are not sufficiently clearly expressed in the norms of the law, as well as by the difficulties in distinguishing it from other related corpus delicti.

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