

## THE CONCEPT, ESSENCE AND CRIMINOLOGICAL CHARACTERISTICS OF FEMALE CRIMINALITY.

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### **Annotation**

*This article examines the concept, essence and criminological characteristic and specificity of crimes committed by women. In the Republic of Uzbekistan, women are not only the guardians of the home, but also represent the national image of society. Therefore, at present, one of the most important tasks facing us is to reduce the growth of female criminality.*

### **Key words**

*female criminality, state of criminality, criminological characteristics, indicators, concept and classification of causes.*

### **Аннотация**

*В данной статье рассматривается понятие, сущность и криминологическая характеристика и специфика преступлений, совершаемых женщинами. В Республике Узбекистан женщины являются не только хранительницами домашнего очага, но и представляют национальный облик общества. Следовательно, в настоящее время, одной из важнейших задач, стоящих перед нами является-снижение роста женской преступности.*

### **Ключевые слова**

*женская преступность, состояние преступности, криминологическая характеристика, показатели, концепция и классификация причин.*

Under the new edition of article 58 of the Constitution, women and men have equal rights. The realisation of these rights enables women to study, acquire a profession, work, advance in their careers and work in the social, political and cultural spheres on an equal footing with men. Therefore, large-scale measures are being implemented to enhance the role of women in the life of our society and to ensure their active participation in all spheres on the basis of their equal rights.<sup>197</sup>

<sup>197</sup> Constitution of the Republic of Uzbekistan/new version of the Constitution of the Republic of Uzbekistan adopted by popular vote at the referendum of the Republic of Uzbekistan held on 30 April 2023. National Legislative Information Base, 01.05.2023, No. 23/03/837/0241. <https://lex.uz/docs/6445145>

In particular, the Decree of the President of the Republic of Uzbekistan "On measures to improve the social and spiritual environment in society, further support the institution of mahalla and bringing the system of work with family and women to a new level" defines the following areas: a new system has been introduced according to the principle of "Prosperous and safe mahalla" which provides:

- transformation of the institution of mahalla, which is considered a unique social structure of society, into a real expert and assistant to the population, increasing its role and importance; -support the social activity of women, strengthen their position in society, strengthen guarantees for the protection of their rights and legitimate interests;

- radical reform of organizational and legal mechanisms to ensure a healthy and stable socio-spiritual environment, peace, harmony and tranquility in society and family;

- establishment of permanent, systematic cooperation of the neighborhood institution with internal affairs bodies, other government bodies and public organizations;

- improving the role and status of employees of self-government bodies of citizens and prevention inspectors;

- ensuring proper incentives and material and technical support for the work of workers when introducing modern information and communication technologies into the field.<sup>198</sup>

The introduction of this system serves to further ensure the tranquillity of the population, bring work with women to a new level, increase the social activity of the elderly, and strengthen the role and status of the mahalla in transforming it from a crime zone into a crime-free zone.

Without studying female genocide and its specific features, effective prevention of the disease cannot be organised.

It should be noted that the fight against crime and its prevention is one of the important directions of state policy, within the framework of which it is important to study the causes of female criminality and the conditions conducive to its commission, as well as research into the specific features of crime among women.

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<sup>198</sup> Decree of the President of the Republic of Uzbekistan "On measures to improve the socio-spiritual environment in society, further support the institute of neighbourhood and bring the system of work with families and women to a new level", No. PF-5938 of 18.02. .2020 / <https://lex.uz/docs/4740345>.

In the second half of the 19th century, the seminal work of such scholars as Lambert Adolphe Jacques Kettle (1796-1874) and Cesare Lombroso (1836-1909) was the first to draw attention to this problem.

A.Kettle put forward the opinion that social environment determines the emergence of criminal behaviour, and biological features of women determine specific types of crimes or in some cases limit their quantitative indicators, but are not considered to be the cause of committing these crimes. At the same time, it cannot be ignored that women are less psychologically protected from various difficulties in marriage.<sup>199</sup>

Although views on the concept of "female criminality" have been formed among scholars, there has been no unified and universally recognised approach to the issue under study. The fact that the analysed concept is interpreted differently in the theory of common law and the practice of law application, the definition of this term remains open in the current legislation, reduces the possibility of determining its content and scope of application

This, in turn, highlights the need for a comprehensive in-depth analysis of the essence and meaning of the concept of "female crime". That is why any legal institution should be responsible for ensuring that the scientific and theoretical foundations of female offence singari are fully developed, so that they can successfully and effectively combat and prevent offences in practice.<sup>200</sup>

But this raises the question. What meanings are understood by the terms "women" and "girls", and what definition of these terms have been given by foreign and domestic scientists? As a result of studies, the only concept of the term women is that in accordance with Article 2 of the Convention "On the Protection of Motherhood", adopted on 28 June 1952 in Geneva as part of the International Labour Organization, any person of the female sex, regardless of his age, nationality, freedom or faith, whether married or not, can be considered a woman.

In the "Explanatory Dictionary of the Uzbek Language", the concept of "woman" is a person of the opposite sex to a man, the concept of "wife" is the sexual opposite of the category of man, a person who has the ability to bear children and breastfeed, a woman, and the concept of "girl" is a person who has not reached puberty. It goes in the meaning of an unmarried, chaste, virgin woman. Hence, we can conclude that the concept of woman is used in a general sense and includes the concepts of women. Nevertheless, how correct is it to divide these representatives into "wife" or "girl"? How does it affect their identity and dignity? How logical is it

<sup>199</sup> .Kettle A. Man and the development of his faculties. SPb, 1865.

<sup>200</sup> Criminology. M., 1997. 674.C.

to single out women from the above definitions as wives or girls just because they lose their biological identity? In our view, categorising women as wives or daughters is a form of discrimination against them.

The terms "woman" and "girl" have the same meaning in Uzbek law. Although such concepts as "women" and "girls" are not defined in the Criminal Code, the Administrative Liability Code, the Penal Enforcement Codes and other legal instruments for the protection of the rights of minors, the words "women" have no status and are used mainly in a non-male context.

Articles 118-119 of the Criminal Code also enshrine the concept of the female sex. Since M. H. Rustamboev, a specialist in the field, pointed out that, in some cases, persons (women) under the age of 18 may also be victims of these offences, the notion of girls was not convicted. In the process of qualifying an offence under the above articles, it also does not matter whether the victim is a woman or a female, and she is considered as a person of the female sex.<sup>201</sup>

The plenum ruling of the Supreme Court of the Republic of Uzbekistan "On judicial practice in cases of coercion to sexual intercourse and sexual harassment by unnatural means" does not mention such concepts as "girl" and "woman" separately, but clarifies them. in the general sense of woman. In our opinion, the legislators have correctly used this word in the Criminal Code and the Plenum Resolution and treated a woman equally as a general woman or a person from the social point of view and not as a category of "girl" or "woman" from the biological point of view.

On the basis of the above, it can be said that it would not be wrong to use the concept of woman or woman of the opposite sex to man(s) as used in the existing normative legal documents and elsewhere.

Therefore, in our study we preferred to use the term "female criminality"

Representatives of the anthropological school - C. Lombroso and his follower in Russia P. N. Tarnovskaya explain this phenomenon somewhat differently. C. Lombroso explained that the intensity of female criminality is lower than male criminality, which is due to the uniqueness of the female organism, female nature and to a certain extent its "biological insufficiency". Another famous idea of Lombroso's is the idea that menstrual cycles strongly influence female aggression. According to a study by Lombroso, 71 out of 80 women imprisoned for crimes were menstruating at the time of the offence. This theory of Lombroso's is still popular today. In particular, similar cases are known in international jurisprudence, where

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<sup>201</sup>. Special part. Rustamboev M.H. 2016. Access: <https://library-tsul.uz/ru/uzbekiston->

the above-mentioned case served to mitigate the sentence imposed on women for intentional offences committed against the person.<sup>202</sup>

Consequently, the significant difference in crime between men and women is most marked in violent crime (murder, robbery, assault, aggravated assault with a weapon). Even in this case, attempts are made to biologise crimes committed by women, i.e. women commit fewer crimes because they are physically weaker than men. But this approach is one-sided, because although women are physically weaker than men, their lower contribution to violent crime should be attributed to their upbringing based on traditional customs. In addition, women's emotional state, sensitivity is stronger in a certain physiological state. This situation is also taken into account in the legislation. On the basis of the above mynon conclude that "female crime is committed by women in a certain region (country or its administrative-territorial unit), in a certain period (month, quarter, half-year, nine months, year, two years. etc.) "(over 14 years old) "(over 14 years old) as a relatively massive, objective, historical change, socially dangerous, socio-legal phenomenon, covering and encompassing all offenders, determined by quantitative and qualitative indicators, has a socio-legal phenomenon.<sup>203</sup>

Criminological characteristic of female criminality is revealed by analysing situations, quantitative and qualitative indicators of crime. It is generally known that female criminality differs from male criminality in terms of types of crime, but both crimes have certain differences and specific features.

A. Kettle, a Belgian sociologist and criminologist, tried to explain the patterns of crime perfection and came to the conclusion that "the propensity to commit crimes depends on a person's age, sex, occupations, level of education, time of the year, etc."

He not only attributed the differences in male and female criminality to differences in the physical and mental development of the sexes, but also attributed the deviant behaviour of women to the fact that they are atrophied from human life and zahat by family obligations. In Kettle's opinion, the tendency to presumption is stronger in men than in women, because women are more exposed to emotions, they are more tidy and modest, and because of their social dependence and loneliness, they have fewer opportunities to commit crimes. Moreover, due to their

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6. Lombroso C. Woman-criminal and prostitute. Kiev, 1902; Lombroso Ch., Laski L. Political Crime and Revolution. SPb, 1906; Tarnovskaya P.N. Women-killers. SPb, 1902.

<sup>203</sup> 2010 г. Plenum of the Supreme Court of the Republic of Uzbekistan.

Decision No. 13 of 29 October on judicial practice in cases of libel and unnatural gratification of sexual desire

physical weakness, they (women) cannot use everything in a crime-increasing situation<sup>204</sup>.

Female offenders, like other women, are characterised by determination, at the same time temperamental and depressive. This plays an important role in their entry into criminal activity, i.e. a depressed woman is inclined to commit any unlawful acts.

According to Akhmedova, today in our country it is inappropriate to properly assess the criminality of women, to understand the personality of a female criminal and explain her criminal behaviour, the majority of crimes are committed by men, as well as the fact that more economic crimes are committed by women and have the motive of embezzlement, engaging in activities without a licence, embezzlement or wasting, theft, fraud, illegal acquisition or transfer of currency valuables, it is indicated that the perpetrators of economic crimes are women.<sup>205</sup>

If we analyse the crimes committed by women today, we can see that contrary to the above opinions, they are committing other crimes as well

According to statistics, in 2018, women committed 6302 crimes, in 2019 4747, in 2020 5520, in 2021 9053 and in 2022 4840. It can be seen that the year has decreased and in 2022 out of 4840 crimes 16 are intentional homicide, intentional infliction of grievous bodily harm 50, theft 23, robbery 15, mugging 7, fraud 1135, hooliganism 109, drug possession 101. Illegal trade, extortion - 36, vehicle theft - 3

Based on the above analyses, it is clear that today, crimes committed by women are approaching the type of crimes committed by men, and the difference between the two is blurring. A striking example of this, in particular, are such offences as intentional infliction of grievous bodily harm, robbery, murder, assault and car theft.

There are many examples in this regard, for example, in December 2022, a daughter-in-law born in 1998, living in Urgut district, Samarkand province, was killed by her mother-in-law, born in 1957, as a result of grievous bodily harm inflicted to her head because of a disagreement. Criminal proceedings have been instituted in connection with this situation under the relevant articles of the Criminal Code.<sup>206</sup>

<sup>204</sup> Women's Crime. Encyclopaedia of Adventures and Catastrophes. Minsk, 1996.

<sup>205</sup> Analytical report of the Ministry of Internal Affairs of the Republic of Uzbekistan on crimes committed by women in the country in 2022.

<sup>206</sup> Criminal case of the Internal Affairs Department of the Department of Internal Affairs, Urgut district, Samarkand province.

Another example is K., a mother of three children, born in 1988, living in Namangan province. When her husband, who was regularly addicted to alcohol, came in drunk and demanded money from her to buy vodka, they quarrelled and stabbed her husband twice in the left chest with a kitchen knife, as a result of which her husband died.

In 65 per cent of the criminal cases we studied, the women who committed the murders were victims of domestic violence.

According to Czufarowski's study, the murders were mostly committed by men, with more than half of the victims being women. In 1/3 of these crimes, the perpetrator and victim were strangers or had met before the crime was committed. In 30% of the cases they were relatives, in 8-6% of cases they were spouses, and in the remaining cases they were acquaintances, colleagues, and neighbours. Most of the murders were committed by people between the ages of 20 and 30.<sup>207</sup>

According to the results of the study, it was found that 10 per cent of intentional homicides in the country are committed by women. The main victim of these crimes is their spouse. A group of scientists cites unhealthy family environment as the cause of these crimes. However, this shows that there is a need for in-depth analytical work to determine the reasons for the increase or decrease in homicides by women in recent years.

Criminal violence against women is characterised by certain psychological features. Women's violent crimes are significantly less than men's, but women's behaviour is characterised by a sharper acceptance of certain events of reality, greater emotionality, greater significance of certain situations of interpersonal relations. Women are more prone to emotional trauma in situations of acute conflict, they feel family discord and conflicts more acutely. They are more anxious and tend to overestimate the threat. High level of emotionality (sensitivity), large family work create in them a stable background of high level of mental tension. The level of mental anomalies is higher among women. Most female criminals are characterised by quick reactions, defects in social interaction, inability to go out on the street, nervousness. In their aggressive actions they often use things that happen to be at hand.<sup>208</sup>

However, women usually take great care to conceal their serious offences. Serious crimes against the person are often committed by women whose behaviour is similar to that of men.

<sup>207</sup> Criminal case Namangan oblast Internal Affairs Investigation Department CO

<sup>208</sup> [https://arxiv.uz/uz/documents/jurisprudence/women's crime prevention](https://arxiv.uz/uz/documents/jurisprudence/women's%20crime%20prevention)

In the crimes we studied, the majority of women were killed in self-defence, defence, fear or severe emotional distress.

It should be noted that the proportion of women in violent crime is a small 0.9 per cent compared to men. However, it is noted that violent crimes committed by women are violent and their behaviour is mainly directed against their spouses and partners and in some cases their in-laws. In our opinion, the reason for this is the change in the social role of women in life, the deterioration of the family situation, and women's insecurity in their spiritual life.

Another type of crime committed by women is female infanticide. This offence is mostly committed by young women and also often in rural areas. The reason why it is done in such places is that young men are deceived because they do not understand some issues, there are no conditions for having a child, and girls have the power of shame and pride.<sup>209</sup>

Summarising the conducted research, the following conclusions can be drawn:

- To single out as an object of study of modern crime of women the need to create a classification of crimes, which allows to effectively combat them, to identify their patterns, makes it possible to correlate different groups and types of crimes and determine their place in the overall structure of crime.

- The development and implementation of modern social and economic assistance programmes aimed at raising the level of social benefits and guarantees, protecting maternity and childhood, and supporting poor women, disabled persons, single mothers, orphans and pensioners

- Formation of state standards aimed at increasing the availability of women's educational level, qualifications, reducing unemployment, countering discrimination in the labour market, monitoring women's working conditions, etc. -

- Development of measures aimed at improving women's physical health; -

- Development and introduction of cultural, educational and spiritual-moral programmes aimed at raising the moral level of the population and restoring respect for the traditional values of the family institution; -

- Raising the level of legal knowledge among the population; -

- Conducting modern psychological studies of individuals with deviant behaviour and developing fundamentally new techniques aimed at the timely identification of such persons and changing their orientation, etc. -

- The use of scientific recommendations, data from criminological research, and the experience of international practice in combating women's criminality in

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<sup>209</sup> E.B.Kuz'mina. Mechanism of Female Criminal Violence: Criminological Analysis and Individual Prevention. Afterreferat. dissertation for the degree of candidate of juridical sciences. Moscow 2022



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