

## **HUMAN TRAFFICKING AND MODERN SLAVERY: PROBLEMS IN CRIMINAL LAW AND THEIR SOLUTIONS**

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### **Abstract**

This article analyzes the criminal and legal features of human trafficking and modern forms of slavery in the Republic of Uzbekistan, as well as the mechanisms for combating them. The transition of human trafficking to cyberspace, hidden methods of labor and sexual exploitation, baby trafficking, and existing gaps in the legal protection of victims are studied. Based on international standards, scientific and practical proposals have been developed to improve the national criminal legislation.

**Keywords:** Human trafficking, modern slavery, labor exploitation, sexual exploitation, cyber human trafficking, criminal law, baby trafficking, victim protection.

### **Introduction**

Human trafficking is one of the most serious transnational crimes that undermines the socio-economic and spiritual foundations of society and tramples on human dignity. In the age of digitalization, this crime has completely abandoned its classical forms, that is, kidnapping with physical violence, and has risen to the level of intellectual and psychological manipulation (cyber-grooming) carried out in cyberspace. Traffickers (human traffickers) gain the trust of young people through social networks and messengers, promising them lucrative jobs, "modeling" or legal work abroad.

In the Republic of Uzbekistan, the fight against human trafficking has risen to the level of state policy. In particular, the qualification of crimes in this regard is regulated by Article 135 of the Criminal Code of the Republic of Uzbekistan. However, the rapid development of information and telecommunications



networks, hidden transactions on Darknet platforms, and completely new "contactless" schemes for recruiting victims require further improvement of existing criminal law sanctions. The purpose of this study is to analyze the crime of human trafficking in the criminal legislation of Uzbekistan from the perspective of modern digital threats, identify gaps in the mechanisms of legal and social protection of victims, and develop proposals for harmonizing the norms regulating the sector with international standards.

Level of research on the topic (Literature analysis)

The issues of combating human trafficking and modern forms of slavery are a constant subject of research in international and national jurisprudence. One of the largest developments in national legislation in recent years is the Law of the Republic of Uzbekistan "On Combating Human Trafficking", adopted in a new edition in 2020 [1]. The adoption of this law is considered by legal scholars and practitioners as an important step towards a shift from a "punitive" (repressive) approach to a "victim protection and rehabilitation" approach in legal practice. The establishment of the National Commission for Combating Human Trafficking and Forced Labor within the framework of the law has strengthened the study of the problem at the institutional level [2]. At the same time, there are different views in the legal literature on the qualification of crimes related to new forms of human trafficking, in particular, child trafficking and transnational sexual exploitation. Although international experts recognize that criminals are carrying out cyber-recruitment activities through Internet platforms (social networks, fake ad sites) [3], the issues of assessing these actions as a special aggravating circumstance within the framework of Article 135 of the Criminal Code and strengthening liability for the dissemination of false information misleading citizens through social networks have not been sufficiently studied in national criminal law in a monographic manner. This study serves to fill these legal gaps.

Comparative legal analysis, a systematic approach and deduction methods were used in the research process. The norms of the Criminal Code of the Republic of Uzbekistan on human trafficking were compared with international legal instruments and the practice of real criminal cases.

## **Main part**

The most dangerous feature of modern human trafficking is that criminals do not kidnap the victim using physical force, but use their vulnerability (unemployment, financial difficulties, psychological depression) to launch a mechanism of "voluntary slavery" in cyberspace. Practice shows that traffickers operate on behalf of fake employment agencies (or modeling studios) on social networks (Instagram, Telegram, TikTok) and various advertising sites. The victim is promised a high-paying job in Turkey, the UAE or European countries, and even the cost of tickets and visas is covered by the "employer". This psychologically instills in the victim a sense of dependence and "indebtedness". As soon as the victim crosses the border, their passport is taken away and they are forced into sexual or hard labor exploitation under the pretext of repaying the debt. There are problems with the criminal-legal qualification of this process. Although Article 135 of the current Criminal Code (Human Trafficking) lists various methods (for example, using force, taking advantage of a vulnerable position) as aggravating circumstances, it does not include the special qualification "using information and telecommunications networks and the Internet", which is the main weapon of today. This prevents the imposition of sufficiently severe penalties for the actions of cyber-recruiters. Another complexity in investigative and judicial practice is related to the distinction between human trafficking and fraud. Recently, there has been an increase in the number of fake "consulting" firms that promise to send citizens to work abroad, embezzle large amounts of their funds, and then fail to fulfill their promises. From a legal perspective, if the perpetrator's true intention is only to obtain the victim's money and the victim is not exploited abroad, this should be qualified by Article 168 (Fraud) of the Criminal Code [4]. However, if the perpetrator sends the victim abroad and sends money to criminal groups there (or knows in advance that he will be involved in forced labor), this directly constitutes human trafficking (Article 135). In practice, the lack of clear criteria distinguishing the objective aspects of these two crimes leads to conflicting situations in the courts. One of the most serious and relevant types of human trafficking is baby trafficking. According to the Ministry of Internal Affairs, dozens of babies are sold by their parents (most often mothers) every year in exchange for material benefits (buying a house, a car or paying off a debt) [5]. The fact that the perpetrators of this crime

are usually medical staff (obstetricians and gynecologists, nurses) shows how tragic the situation is.

The roots of this crime lie not only in socio-moral poverty, but also in legal and bureaucratic problems. The extremely complicated legal adoption process in the country, long queues and red tape encourage citizens to buy babies illegally [6]. Despite the strict punishment (from 8 to 12 years) established by Article 135, Part 3, Subparagraph "a" (trafficking in persons known to the perpetrator to be under the age of eighteen) of the Criminal Code, punitive measures are not sufficiently effective in preventing the crime. This situation requires combating the cause, not the consequences, of the crime, that is, the full digitalization of the activities of guardianship and trusteeship bodies and the transparency of adoption procedures.

## **Conclusion**

Based on the research results and current law enforcement practice, the following scientific and practical conclusions are put forward in order to increase the effectiveness of the fight against human trafficking and modern slavery.

Firstly, it is necessary to introduce a special qualification of the crime "committed using information and telecommunications networks, including the Internet" into Part 2 of Article 135 of the Criminal Code of the Republic of Uzbekistan (Human Trafficking). This change will serve as a solid legal basis for imposing fair and severe punishments on traffickers who fraudulently recruit young people in cyberspace.

Secondly, the inclusion of a clear explanation in the relevant decisions of the Plenum of the Supreme Court on the legal qualification of the activities of fake employment agencies, namely, when the perpetrator's goal is only to gain material benefit (Article 168) and when there is a premeditation to transfer the victim to criminal groups abroad or to exploit him (Article 135), will prevent the different interpretations that are emerging in the courts, establishing criteria for clearly distinguishing these crimes from each other.

Thirdly, the fight against child trafficking requires not only criminal sanctions, but also the elimination of bureaucratic obstacles that are the root of this terrible crime. To this end, the full digitalization of the activities of guardianship and trusteeship bodies, as well as adoption procedures (for example, the creation of a transparent electronic queue system through the Unified Interactive State

Services Portal), will sharply reduce the need for corruption and criminal schemes in society.

The implementation of these comprehensive solutions will allow for reliable protection of victims of human trafficking and full alignment of our national criminal law with modern international standards.

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