

Criminogenic Factors of Female Criminality: Legal and Social Analysis

Xojayeva Adolat Abdulkayumovna

Higher School of Judges under the Supreme Judicial Council of the Republic of Uzbekistan

Received: 25 April 2025; **Accepted:** 21 May 2025; **Published:** 23 June 2025

Abstract: This article systematically examines the criminogenic factors influencing the formation of female criminality and reveals the legal and social mechanisms of their interaction. The study is based on content analysis of the Criminal Code of the Republic of Uzbekistan, relevant by-laws, Supreme Court plenary decisions, and court verdicts issued between 2018 and 2024. The data were grouped by gender, age, type of crime, motive, and sentencing criteria, and covariance analysis was conducted using the STATA-17 package. The results indicate that female criminality is primarily linked to economic instability, domestic violence, labor migration, psychological trauma, and emerging threats in the digital environment. In law enforcement practice, the insufficient consideration of gender-specific psychophysiological factors has led to incorrect qualification of crimes and imbalances in the individualization of punishment. The article develops recommendations to improve legislation and judicial-investigative practices for the prevention of female criminality.

Keywords: Female criminality, criminogenic factors, gender equality, law enforcement, judicial practice, social threat.

Introduction: The structure of crime is always a distinctive barometer of socio-economic processes in society. In recent decades, many countries, including Uzbekistan, have faced significant fluctuations in the dynamics of female criminality. According to statistical data, since 2014, crimes committed by women account for an average of 14% of all crimes. However, this indicator has not remained stable; in some years, sharp increases were observed due to economic crises, the aftermath of the pandemic, and internal migration processes.

The causes of criminal behavior among women are more multidisciplinary than those among men, encompassing closely interlinked psychological, sociological, and legal determinants. In criminology, the term “feminization paradox” is widely used, which reflects the phenomenon that, although women have traditionally had low crime rates, their propensity to commit crimes increases due to changes in social roles and labor division.

This article focuses on analyzing the criminogenic

factors of female criminality through legal and social lenses, identifying key determinants and developing mechanisms to mitigate them. The relevance of the research is justified, first, by international obligations related to gender equality, and second, by the current broad discussion of gender issues during the modernization of the Criminal Code of Uzbekistan.

The study analyzed 314 court verdicts issued between 2018 and 2024 at the republican, regional, and district levels in criminal cases. These verdicts covered provisions of the Criminal Code concerning property crimes, crimes against the person, economic offenses, and violations of transport safety. Legal sources included the Criminal Code of the Republic of Uzbekistan adopted on September 22, 1994 (as amended on March 1, 2024), the Law “On Ensuring Gender Equality,” the Law “On the Prevention of Domestic Violence,” and Supreme Court plenary decisions.

To form the empirical base, content analysis of court documents, statistical reports from internal affairs bodies, and data from a 2022 survey conducted by the

"Family" Scientific-Practical Research Center were used. Analytical tools included covariance and regression modeling methods, comparative legal approaches, and phenomenological commentary. The recommendations of the UN CEDAW Committee, as well as the experiences of the Russian Federation and Kazakhstan, were examined for comparative insight.

The analysis revealed that the structure of female criminality is typologically more variable compared to that of men. Economic and financial crimes constitute 38% of offenses among women, with most of these crimes being committed intentionally, yet often accompanied by a high willingness to negotiate damage compensation. Psychological interviews demonstrated that women's primary motivation for committing economic crimes is the intention to maintain financial stability within the family. This motivation is often associated with overwhelming debt, household expenses, and a lack of employment opportunities.

Crimes rooted in domestic and household circumstances account for 24% of the cases. In these instances, continuous domestic violence, psychological pressure, and a state of helplessness drive women toward affective-explosive reactions. As shown in court documents, in cases where women subjected to prolonged abuse inflicted serious bodily harm, Article 100 of the Criminal Code (exceeding the limits of necessary self-defense) was almost never applied. Of the 57 cases studied, only three courts considered the emotional state as a mitigating factor; in the remaining cases, the accused received harsh sentences under Article 104 of the Criminal Code. This fact indicates a methodological gap in court practice regarding the assessment of gender-specific psychological factors.

Among female labor migrants, crimes arising from undocumented work, illegal contracts, and coercion into sex work form a distinct category. An analysis of 46 case files related to migration from 2018 to 2023 revealed that women often remain legally unprotected in foreign countries and agree to smuggling or drug trafficking as a means of economic survival.

The expansion of the digital space has also added new dimensions to female criminality. Participation of women in online fraud, cash withdrawal from plastic cards, and phishing schemes has doubled since 2019, reflecting a low level of digital financial literacy.

A deep study of criminogenic factors shows that while economic instability and domestic violence serve as the primary triggers of deviant behavior, gender stereotypes and insufficient legal protection act as activators of this trigger. At the sentencing stage, courts tend to focus on classical factors such as the

amount of material damage, the severity of the attack, and the defendant's criminal record. However, they often underestimate the psychosocial causes of the crime and the potential for rehabilitation. As a result, women are more likely to receive shorter, yet stricter forms of punishment compared to men, which in turn limits their chances of probation and social reintegration.

The legal analysis revealed that the General Part of the Criminal Code lacks sufficient concretization of gender-specific modifiers. In the concept of "necessary self-defense," aspects such as women's psychological fear threshold, affective responses, and the context of cross-border violence are not adequately taken into account. In judicial and investigative practice, there is a low level of empirical trust in expert psychological evaluations, which leads to systematic errors in objectively validating affective states.

Social Analysis. Surveys conducted during the social analysis indicated a substantial latent component in female criminality, particularly in acts committed as a result of domestic violence but not formally registered as criminal offenses. Approximately 27% of respondents expressed the opinion that "appealing to law enforcement is pointless," which suggests the ineffectiveness of mechanisms aimed at preventing criminal behavior.

CONCLUSION

The study found that the criminogenic factors behind female criminality form a multilayered and interrelated system. While economic problems, labor migration, and digital illiteracy exert external pressure, domestic violence, psychological trauma, and gender stereotypes disrupt internal psychodynamic equilibrium. From a normative-legal perspective, both the Criminal Code and judicial practice require adaptation through gender-sensitive interpretations and methodologies. There is an urgent need to explicitly regulate self-defense, affective states, and psychosocial stress as mitigating factors, to introduce gender-sensitive expert examination standards for judicial and investigative bodies, and to expand probation programs in a format aligned with women's social roles. If a unified methodological approach to law enforcement is developed, the effectiveness of punishment individualization and rehabilitation can increase, reducing the rate of recidivism. Thus, it has been demonstrated that reducing female criminality is not achieved through harsher punishment alone, but through a comprehensive socio-legal policy aimed at eliminating criminogenic factors.

REFERENCES

Qoraqulov B. M. Gender va jinoyatchilik: kriminologik

tahlil. — Toshkent: “Sharq”, 2022. — 212 b.

O‘zbekiston Respublikasi Jinoyat kodeksi: 22.09.1994 yilgi 2024 yil 1 mart holatidagi rasmiy matn. — Toshkent: “Adolat”, 2024. — 288 b.

“Gender tengligini ta’minlash to‘g‘risida”gi Qonun // O‘zbekiston Respublikasi Qonun hujjatlari to‘plami. — 2019. — № 49. — B. 765-780.

Azizova G. T. Oilaviy zo‘ravonlik va huquqni muhofaza qilish amaliyoti. — Toshkent: “HUQUQ”, 2023. — 144 b.

Supreme Court of the Republic of Uzbekistan. Review of judicial practice in crimes committed by women. — T.: SC Press, 2024. — 96 p.

Shamsiyev N. N. Jinoyatlarni kvalifikatsiya qilish nazariyasi. — Toshkent: “Fan va texnologiya”, 2020. — 238 b.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): United Nations General Assembly resolution 34/180. — New York, 1979.

Karimov I. X. Ayollar jinoyatchiligini kelib chiqish omillari. — Toshkent: “Yangi avlod”, 2021. — 184 b.

Gareev R. Z. Kriminologiya: gender aspektlari. — Moskva: “Yurayt”, 2018. — 304 s.

Mahkamova S. S. Jinoyat-huquqiy normalarni qo‘llashda gender tenglik tamoyillari // “Yuridik fanlar axborotnomasi”. — 2024. — № 1. — B. 45-57.

Temirova M. I. Ayollarda agressiv xatti-harakatlar psixologiyasi. — Toshkent: “Fan”, 2021. — 176 b.

Dadajonova L. M. Raqamli iqtisodiyot va jinoyat tiplari transformatsiyasi // “Iqtisodiy taraqqiyot”. — 2023. — № 3. — B. 112-126.