

### *Литература*

1. О медиации: Закон Респ. Беларусь, 12 июля 2013 г., № 58-З: в ред. Закона Респ. Беларусь от 05.01.2016 ЭТАЛОН. Законодательство Республики Беларусь. Нац. центр правовой информ. Респ. Беларусь. Минск, 2019.
2. Пособие по обучению медиации / И.А. Бельская [и др.]; под ред. И.А. Бельской. Минск. Четыре четверти. 2019. 274 с.

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### **BRIEF ANALYSIS OF THE MISDEMEANOR OF PIMPING**

Prostitution can be described as the activity of persons offering sexual benefits and in exchange they receive a payment. This is an illegal phenomenon in various states of the world and is an intensely debated social topic [1].

At the same time, the objective side of a crime is understood as the totality of the conditions required by the incrimination norm, regarding the act of conduct for the existence of the crime, (the object of the crime) touch that consists of a change, in the objective reality called a criminal consequence.

The crime of pimping is expressed by an action. It is expressed by the following normative ways of alternative character: exhortation to prostitution; prostitution determination; facilitating the practice of prostitution, taking advantage of the use of prostitution by another person.

In order to be defined as prostitution, the deed must satisfy two very important conditions, the first being one is the practice of sexual intercourse with different persons, and the second one is the procurement of livelihoods or the main livelihoods as a result of sexual acts with different persons. At the same time it is worth mentioning, that prostitution is not considered a criminal act and is incriminated in the contraventional Code of the Republic of Moldova, more precisely in art. 89 of the said code.

For a better understanding and clarity it is necessary to distinguish the meaning of the phrase "prostitution urge", and is defined by the awakening of another person's interest to practice prostitution, the offspring and create illusions about a luxury life, a better living, the lack of need to work and many other moments that generate a psycho-emotional comfort for the victim. This urge must be addressed concretely. Ads on radio or in magazines or on social media, for example: a Facebook post cannot be considered as a urge to practice prostitution.

At the same time, the term "determination to prostitution" is constituted by manipulations, through which a person is influenced to practice prostitution. It does not matter whether the victim herself wished to practice prostitution, or

spoke to someone else about this fact, but it is important that through the exercise of determination, the victim was motivated to decide to practice this activity, the prostitution activity.

In some authors' view, prostitution determines the actions of the perpetrator, which may also have a violent character, but after which the person has the freedom to decide whether or not to practice prostitution. At the same time, according to other authors, "determination to prostitution" consists in coercion, coercion of the person, that is contrary to his will, to practice prostitution.

The control held over a woman is a secure, stable and therefore not an long-term source of income [2, p. 119].

It is irrelevant for qualifying the crime, the method by which the victim was convinced. At the same time, the presence of violence against the victim or even the threat of violence should not be automatically perceived as one of the offenses stipulated in art. 165 or 206 of the Criminal Code of the Republic of Moldova.

In the case of minors, the qualification according to art. 208 and 220 CP RM, can lead to a double sanction of the same act [3, p. 1179].

It is contrary to all the principles of law and democracy, to be double sanctioned.

Facilitating prostitution - the help given to a person for practicing prostitution - providing housing, financing, etc.

The facilitation of prostitution constitutes an activity of complicity in the contravention of the practice of prostitution, which the legislature has criminalized.

Getting benefits from prostitution by another person implies practicing by another person than the perpetrator of these sexual services, obtaining various goods, both patrimonial and non-patrimonial benefits.

In the opinion of the authors V.Stati, S. Brînză and others, "drawing benefits from the practice prostitution by another person, is understood to obtain patrimonial benefits of any kind (goods, patrimonial rights, patrimonial advantages, etc.) from the practice of prostitution by a person other than the perpetrator. At the moment, pimping is considered to be consumed from the moment of obtaining, at least once, the heritage benefits from the practice of prostitution by another person [4, p. 377].

The offense stipulated in art, 220 CPRM is a formal crime, in the manner of exhortation to prostitution the pimp is considered consumed from the moment the victim took the decision to practice prostitution, whether or not this decision was made. In the manner of facilitating prostitution, pimping is considered to be consumed if the perpetrator helping the victim, created favorable conditions for it to either practice or continue to practice prostitution. Finally, the way of profiting from the practice of prostitution by another person, the pimp is considered consumed from the moment when the perpetrator, even in a single

case has obtained material benefits, following the provision of prostitution services by a another person.

Pimping is considered consumed from the moment of obtaining, at least once of the patrimonial benefits from the practice of prostitution by another person [5, p. 460]. Comparatively, in the case of the crime of trafficking in human beings, there are two actions of recruiting, transporting, transferring, sheltering or receiving a person, as well as threatening, abduction, confiscation of documents and servitude/dependency are actions that represent the objective side of the crime [6, p. 28].

Recruiters attract victims by promising them well-paying jobs and an easier and quieter life.

So, in order for me to finish this thesis I can say that pimping is a huge problem of our society. It doesn't depend if you live in Moldova, Ukraine or another country, it's essence hides in the sins of the society and in the lack of education in a lot of families around the world.

But it's no need to say that perfection doesn't exist and at the same time I can surely say that government and regular people should do all it take to erase this phenomenon from the international spectrum.

#### *References*

1. Tabarca M. Procedural exceptions in the civil case. Ed. II. Bucharest: Ed. Universul Juridic, 2006.
2. Ciobanu V.M. Theoretical and Practical Treaty of Civil Procedure. Vol. II. Bucharest: National, 1997.
3. Laegaard, J., & Bendslev, M. (2006). Organizational Theory. Retrieved from <http://bookboon.com/en/organizational-theory-ebook>
4. Nicolae A. Relativity and opposability of the effects of the court decision. Bucharest: Ed. Universul Juridic. 2008.
5. Civil Procedure Code of the Republic of Moldova, adopted by the Law no. 255-XV of May 30, 2003 O.G. of 12.06.2003, no. 111.
6. Ivanescu G-Fl. Court civil decision. Bucharest: Hamangiu, 2014.

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## **ОБЕСПЕЧЕНИЕ ДОКАЗАТЕЛЬСТВ В ГРАЖДАНСКОМ И АРБИТРАЖНОМ ПРОЦЕССЕ**

Для того чтобы исследовать обеспечение доказательств в практической плоскости, искать пути усовершенствования данного механизма, то есть выявить и нивелировать его недостатки, восполнить пробелы в правовом регулировании данной процедуры, необходимо, в