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Conceptual Framework of Sexual Exploitation Legal Characteristic

Article provides research of conceptual framework of sexual exploitation legal characteristic.

Sexual exploitation is defined as sexual service or other person's sexuality consensual or involuntary usage for financial benefit or satisfaction of third party or personal sexual needs. It is offered to define the legal characteristics of sexual exploitation as: sexual service or other person's sexuality usage; consensual or involuntary usage of sexual service provided by the exploited person; receipt of financial benefit or satisfaction of third party or personal sexual needs.

Detailed arguments are provided for the term «sexual exploitation» to be fixed in the Article 149 explanatory note (Criminal Code of Ukraine) along with other types of human exploitation. Sexual exploitation must include such forms as prostitution, alimention of accommodation houses, procurement, pimping, pornography and other illegal actions.

Crimes connected with sexual exploitation are recommended to be divided into three groups of socially dangerous acts: 1) crimes preceding sexual exploitation (Art. 149 of CCU); 2) sexual exploitation crimes (Art. 301, 302, 303 of CCU); 3) crimes involving sexual violence and other crimes against sexual freedom and personal inviolability (Art. 152–156 of CCU) following the sexual exploitation. Within the framework of sexual exploitation legal characteristic it is offered to examine the characteristics of the crimes components under Art-s 301, 302, 303 of CCU, their qualifying and special qualifying features and penalty measure (type and amount).

Argumentation is provided that social relationship targeted by the sexual exploitation crimes involves three subjects: 1) person committing the offence with aim to sexually exploit other person mostly for financial benefit; 2) sexually exploited person; 3) service consignee.

Keywords: sexual exploitation; crimes related to sexual exploitation; pornography items; brothels; procuration; pimping.