

Concept, Classification of Persons Prone to Committing Crimes and Their Unique Characteristics

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Abstract. In this article, the concept and categories of persons prone to commit crimes are analyzed on the basis of the researches of scientists who worked in this field, international normative legal documents and the national legislation of the Republic of Uzbekistan. Specific aspects of biophysiological, spiritual-ethical and psychological signs of the formation of a tendency to commit a crime in a person are revealed. Also, on the basis of scientific literature and legal documents, persons prone to commit crimes are divided into three groups, i.e., those with a high probability of committing crimes, are divided into groups of persons who are prone to commit crimes and those who are less likely to commit crimes, and they are systematized into separate categories. Accordingly, in the new version of Article 3 of the Law of the Republic of Uzbekistan "On Prevention of Offenses" adopted on May 14, 2014, "a person with a high probability of committing an offense" and A proposal was made regarding the introduction of the concept of "a person prone to committing a crime".

Key words: biophysiological, spiritual-ethical, psychological, a person with a high probability of committing a crime, a person with a tendency to commit an offense and a person with a low probability of committing an offense.

Introduction

In all periods of human development, people who tend to commit socially dangerous acts with their negative behavior and characteristics have attracted the attention of law enforcement agencies and representatives of the scientific world conducting research in this field. As noted in the research, human behavior is a complex and multifaceted phenomenon, and its study requires a systematic approach and possibly modern ideas about the processes involved. The essence of each moral phenomenon is related to its place in the general structure of personality. In the course of individual development, moral systems become a complex set of individual moral strategies and form the moral type of a person [1].

Literature Analysis And Methodology

To think about people who are prone to commit crimes, first of all, "offender", "offence", "tendency", "person" it is necessary to know the meaning of such terms. In particular, in the explanatory dictionary of the Uzbek language, "offender - non-observance of existing laws, regulations, legal norms, violating them" [2] "crime - non-observance of existing laws and regulations; violation of them, behavior of a person in this way; a socially dangerous act that harms a person, property, the state and the whole society" [3]; "inclined" - from Arabic [bent to one side, bent; kiya, nishab] He has a good heart, he has a heart" [4], it is explained in the meaning of "person from Arabic [someone, person, species] a special person in society, a person" [5].

The analysis of criminological literature shows that the concept of a person prone to committing a crime has been studied within the framework of the subject of criminology. In particular, the formation of a criminal personality has been researched directly in connection with the emergence of characteristics characteristic of a person's tendency to commit a criminal act, as well as the causes and conditions that require the formation of these characteristics in a person.

Research approaches that have studied the sources of characteristics of individuals prone to delinquency, including crime, can be conditionally divided into three. The studies belonging to the first approach show the tendency to commit crimes in a person as "biophysiological" and in the second as "spiritual-moral" and in the third, "psychological" features recognize the main factors.

The first approach. The formation of a person prone to committing a crime and its scientific study One of the **biological** theories is the genetic theory. The founder of this theory Ch. Lombroso and his followers describe a special natural type of a criminal, that whether or not a person becomes a criminal depends only on innate tendencies, that each type of crime (murder, rape, theft) is characterized by specific anomalies (deviations from the norm) in the physiological, psychological and anatomical structure [6] have explained the necessity.

Deviating from this norm, in the behavior of most individuals, quarrelsomeness, quick reactions, spontaneous emergence of negative tendencies, weakness of the mechanism of controlling one's behavior with positive values and motivations can be observed.

All these moral manifestations are called genetic anomalies - Kline Felter syndrome (excess X-chromosome - 47/XXY syndrome or excess Y-chromosome - 47/XYY syndrome). In this case, it was studied that the extra X-chromosome is explained by excessive aggression, and the extra Y-chromosome is explained by deviations (anomalies) in the field of setting and achieving goals, disorders in voluntary control of behavior [7].

While the supporters of the above theory tried to explain that genes play an important role in the life of any person, the criminological scientist O. Kant and his supporters put the importance of biological characteristics in the human personality over his socially acquired characteristics to one degree or another [8].

In our opinion, we agree with the opinion that the propensity to commit a crime is formed not only through heredity, but also as a result of the influence of the external environment or negative socialization. Because the less socialized a person is, the more likely biological factors will be dominant. The more limited the development of the human mind, the greater the role of lower levels of motivation in his behavior [9].

Analyses show that biological characteristics are embedded in the nature of a person, become a social factor, and later appear in his social lifestyle, behavior, and behavior. Natural conditions of human development, his physical structure, nervous system and internal secretion system, advantages and disadvantages of physical structure, bio-physiological characteristics also affect the formation of his individual psychological qualities.

A. In Kettle's approach, it depends on a person's age, sex, profession, level of education, season of the year, etc., as well as the characteristics of the seasons significantly affect the propensity to commit a crime, as well as the fact that crimes against the person increase in the summer season and crimes against other people's property are less committed in the winter season. and [10] studied that the opposite is observed. In this regard, the influence of the age factor on criminality is reflected in legal scientific literature. Ch. Lombroso [11], Enikeev M.I. [12], M.N. Gerneta [13] V.N. Kudryavtsev [14], O.D. Sitkovskaya [15], K. Barthol [16] and others.

In studies, it is much more difficult for a person who has committed a crime in his youth to give up this habit and go on the road to recovery, and it is also the main source of their reserve for adult and recidivism [17]. It is worth noting that in some sources, those who violated several of the norms provided for in the criminal law [18] are distinguished by the fact that they form characteristics characteristic of recidivist individuals. The reason is that in recidivism, the subject of crimes is determined by the strength of his non-protective tendencies and goals [19]. In the researched sources, categories with an antisocial orientation are characterized by a small age range or physical strength, which is characterized by a high ability to effectively choose to commit a crime in criminogenic situations that are convenient for them. A.N. According to Pastushe, a person's criminogenic tendency is a personal tendency (allowance) to commit a certain type of crime under certain conditions, and serves as an opportunity for a person's "potential" criminal behavior [20]. *Potential* - Latin *potentia* - *potential* - *solving* a task is the resource used to reach and achieve the intended goal [21]. In our opinion, any criminogenic situation does not independently lead to the commission of a crime. After all, crimes are committed not because of sudden criminogenic situations, but because of the formation of certain stable personal negative characteristics of a person and disregard for values and laws. Therefore, the biophysiological

nature of a person is a necessary condition of his individuality and is distinguished by his uniqueness and uniqueness. At this point, it is worth noting that "biological characteristics, in the manifestation of the uniqueness and different aspects of a person, from the representatives of the older generation, the appearance, hair color, physical indicators, blood groups, talents and abilities, the uniqueness of the nervous system, the unique aspects of the organs of vision, eye color, unique a number of biological qualities, such as sensitivity, cognitive activity, are inherited from generations [22] ". In particular, biophysiological, "the following factors take part in the formation of a person: 1) biological (heredity); 2) natural environment; 3) cultural environment; 4) social experience; 5) is a process related to relationships with people. These characteristics are mainly events related to individual activities such as eating, settling, having sex, childbirth [23] ". The analysis shows that it is necessary to study the formation and origin factors of the negative bio-physiological characteristics of the person, as a result, to identify the categories that are prone to commit crimes and to find opportunities to achieve their spiritual and moral formation, as well as to eliminate their negative characteristics and to achieve their maturity in a positive way. is one of the urgent problems of the day. *The second approach. In knowing the spiritual and moral* characteristics of the propensity to commit a crime , " it is determined not according to the law-abiding behavior and heredity of a person, but according to his upbringing [24] ". Criminologist scientists associated criminal behavior with the vices of upbringing and cruel needs arising from it (greed, immorality, self-indulgence, etc.)[25]. In particular , it is necessary to know the mind, behavior, level of socialization, employment, formation, development and upbringing of young people [26] , as well as the existence of their education plays an important role in their self-restraint from anti-social behavior and in their spiritual and moral manifestation. As noted in the research, "a person's level of education importance, that the level of education of a person should shape his demands, needs and interests, spiritual, moral and cultural manifestations [27] ", as well as on the contrary, as a result of their lack of legal knowledge, "the repetition of immoral and illegal actions also has a negative effect [28] " was approached as

Therefore, "unhealthy situation in the family, quarrels, anti-social unhealthy relations between family members, formation of negative behavior in their spirituality [29]" in which persons prone to delinquency were brought up, of course , "family relations are not positive or not sufficiently formed in this family" , the emergence of various problems and conflicts [30] ”.

In his approach to the subject, Sh.A. Ganiev pointed out certain categories of male and female persons who have a tendency to engage in shameless, corrupt, immoral activities, especially in public places (walking in indecent clothes, flirting, kissing, etc.)[31], there is a high demand for identifying them in practice , as well as developing and implementing concrete measures for the prevention of criminal aggression.

In our opinion, the difference between the crime of men and women is not only due to the specific physiological characteristics of the sexes, the biological tendency to commit crimes, but also the essence (content) of social processes, the specific features of their appearance for one or another sexual group , national customs, traditions. and others are identified.

In sources related to criminology, "the causes of crimes should be sought in the moral state of society, that is, the presence or absence of one or another moral values, and the formation of spirituality is considered a part of the educational work carried out with the population as a whole, and spirituality includes education, acquiring a profession, forming culture and it is indicated that it should include spiritual values[32].

The analyzes show that the propensity to commit a crime is a process related mainly to the moral and moral characteristics of a person and his individual psychological symptoms, which occurs in the mind of a person in close connection with the formation of a decision to commit an illegal act and mental disorders.

A third approach. Being inclined to commit a crime " ... when studying its **psychological** aspect, it should be analyzed in its interaction with the social environment. Because it is not the person or the environment that creates criminal behavior, but their interaction. Therefore, the influence of the social environment on criminal behavior is a complex process[33]".

In this regard, Yu.M. Antonyan stated that "cases of a person's deviation from psychological norms are relatively more common in persons who have committed serious violent crimes (murder, defamation, bodily injury, hooliganism), recidivists, criminals without a defined type of training and place of residence[34]. R.I. Avanesov distinguishes the following biological conditions that negatively affect human behavior: *a)* pathology of biological needs that become the cause of sexual disorders and crimes; *b)* neuropsychiatric diseases that increase the excitability of the nervous system, cause inadequate reaction and make social control of actions difficult (psychopathies, neurasthenias, illness and conditions bordering on health); *c)* explains that it occurs through psychophysiological stress [35], which leads to various psychosomatic, allergic, drug - related diseases and serves as an additional criminal factor .

Based on the results of the research, it is worth noting that "the direct psychological cause of the types of crimes committed or likely to be committed by persons prone to delinquency is the desire to satisfy one's own needs contrary to the interests of society and causing damage [36]".

In our opinion, the reasons for deviation from the psychological norm of persons who are inclined to commit crimes are manifested in the following: *firstly*, they follow the unwritten rules of the representatives of the criminal world and are influenced by their mental pressure; *secondly*, as a result of a severe physical injury that the person suffered in childhood; *thirdly*, the occurrence of brutally serious crimes in front of the minor's eyes and the formation of negative events in his mind; *fourthly*, the lack of legal consciousness and legal culture of persons with an antisocial orientation leads to the commission of all kinds of illegal acts.

In this regard, A.R. Ratinov observed that there are serious psychological differences between criminals and law-abiding citizens. In this scalar analysis, it was found that the law-abiding group of examinees is far superior to criminals in terms of their social-positive attitude to all basic values, the meaning of their life, and the differences between criminals and law-abiding persons in terms of social environment, activity, artistic pleasure, marriage, love, children, family. [37] states that it looks bright in such values.

However, in psychology, a person's physical and mental development or deviation from the norm[38] is characterized by the fact that, unlike law-abiding persons, especially teenagers or young people do not understand national values.

In this regard some researchers attribute emotional instability, excitability, impulsiveness, lack of ability to correctly assess problematic situations, and the strong desire to quickly implement thoughts and intentions, as well as the emergence of the intention to commit illegal actions. [39] emphasize the arrival . Other researchers can agree with the opinion that people with antisocial behavior show rudeness, extreme aggression, arrogance, irresponsibility, belief that violent acts will go unpunished, high pretentiousness, justifying their behavior[40].

We see that the negative views, interests, and "personal mental disorders" formed in persons prone to delinquency are not due to a lack of certain psychological abilities (intellect, will, emotions), but rather to the incompatibility of traditional mental conditions with the external conditions that occur in human development. 41]" is displayed.

In conclusion, it should be noted that in order to understand the reasons why people with antisocial orientation become prone to crime, their inner world, values, motivation, as well as the characteristics that have been strengthened in the nature of the people and its place in life, the reality of the environment, people, society, state, law , knowledge of their attitude to work, etc., is of great importance in the development of comprehensive systematic measures for the early prevention of crimes and the negative consequences associated with them in society.

Discussion

Today, based on the results of the analysis of the above opinions, views and approaches about the sources, factors and processes of people's tendency to commit a crime, the development of the concept of a person prone to committing a crime and defining it in the current national legal documents remains relevant both theoretically and practically.

As mentioned above, although the concept of a person prone to committing a crime was developed based on the current demands and needs of the practice in the research on crime prevention, it did not cover all the signs characteristic of the above analyzed category of persons.

Based on the goals and objectives of the research, we will try to analyze the concepts of persons who are prone to commit crimes, which are provided in the legislation of foreign countries. For example: in the Law of the Kyrgyz Republic "On Prevention of Offenses", *persons at social risk* are citizens, including children in difficult life situations and youth, those who live in families experiencing problems related to economic and social difficulties, internal and external migration[42] are defined as a separate concept, in this regard Kazakhstan[43], Russia[44], Turkmenistan[45] and Belarus[46] of states laws, such concepts are not used.

Based on the above sources, it is appropriate to analyze some aspects of our national legislation in clarifying the meaning of the concept, categories of persons prone to committing crimes and their unique characteristics.

In this regard, in Article 3 of the Law of the Republic of Uzbekistan "On the Prevention of Offenses Correctly", "A person prone to commit an offense - a natural person who is in a state of possibility of committing a crime due to the danger of his antisocial behavior[47]". However, the terms "probability" and "probability" in this definition it can be observed that the words contradict each other in the explanatory dictionary of the Uzbek language and other sources. Therefore, it is appropriate to study these concepts in detail and explore their differences.

In particular, in the explanatory dictionary of the Uzbek language: "prone" means "susceptible to something [48]" from Arabic, and it means "anti-social behavior - a person's lifestyle, action or inaction that violates the norms and rules of behavior accepted in society [49]", the following characteristic of the persons mentioned in the concept : *a) personal negative - malice, b) quick temper, c) holding a grudge, g) jealousy, c) ambition and d) false views [50] in features such as is appearing.*

studies, it is not for nothing stated that if there is antisocial negative behavior in the family, the probability of formation of negative characteristics is much higher [51]. In our opinion, antisocial behavior is a personal negative characteristic of a person that encourages him to commit a crime.

"probably" in this case and the meaning of the sentence from Arabic is *"the possibility of taking action and happening [52]"*, to the persons who tend to commit crimes in their place indicates that it is a characteristic feature.

also In the joint decision of the Ministry of Internal Affairs of the Republic of Uzbekistan, the Ministry of Poverty Alleviation and Employment, the Ministry of Youth Policy and the Ministry of Sports on the procedure for the implementation of measures to create a safe environment in the republic's neighborhoods based on the principle of "Prosperous and safe neighborhood" as "objects of social prevention" : *persons with a high probability of committing* or *"prone to commit crimes [53]"* terms cited side by side. However, concepts and categories regarding them are not systematized in a separate order.

Based on the results of the research, the tendency to commit a crime is divided into the following three groups: 1) there is a high probability of committing a crime; 2) inclined to commit a crime; 3) it is appropriate to analyze the concepts, categories and unique characteristics of a person with a low probability of committing a crime, with a separate approach based on science.

First of all. "In persons **with a high probability of committing a crime**" due to strong antisocial behavior "... as a result of enmity, hatred, malice towards others and not seeing others around, stinginess, as well as mental difficulty to stop one's behavior: a) sexual instinct - touching honor; b) active defense reflex - when attacking a person; c) the instinct of self-preservation - manifests itself in desertion [54]". In particular, the criminogenic situation at the time of committing a crime is a special level of a person's relationship with the environment. The tendency to commit crimes in persons with negative characteristics in this connection, as a result of the criminogenic situation, turns into a specific behavior, causes a large amount of damage to the individual, society and the state.

In particular, by individuals with this type of antisocial orientation, "disregarding the opinion of others, ignoring the warning of others, or increasing aggression after such a warning represents disrespect for society[55]".

H.E., who worked in this direction. Akhmedov shows that people under administrative control have a higher tendency to commit crimes when they reflect the negative characteristics of a criminal person [56]. Agreeing with his opinion, it should be noted that categories with a high probability of committing a crime include mentally disturbed, narcotic drugs, psychotropic substances or "persons who commit crimes under the influence of alcohol[57]".

Research shows that if a person is poorly educated during adolescence or is affected by various negative social evils, these shortcomings may affect their future life, especially that the earlier the young people enter the path of criminal activity, the longer this activity will last and become more dangerous [58] , also "Most of their crimes are involuntary aggression, psychological influence in the context of a criminal group [59] ", which they commit as a means of achieving malicious goals.

At this point, it is worth noting that the reluctance to give up criminal activity is the main source of "social danger and the formation of criminal associations [60] " of persons with a high probability of committing the crime under investigation . Participants of a sociological survey were asked, " *Who do you think are the most likely to commit a crime ?* " 59 % of the respondents to the question - those who earned criminal income as a source of livelihood ; 31 % - addicted to alcohol, drugs and psychotropic substances; 15 % are dangerous and extremely dangerous recidivists, 12 % are those who want to take revenge on others for malicious purposes.

with a high probability of committing a crime are more active and aggressive in committing a crime than other categories with antisocial orientation, and they cannot stop themselves from committing crimes as a result of their strong antisocial behavior.

In particular, the behavior of persons with a high risk of committing a crime is characterized by the inability to adapt to social values (disadaptation) and the presence of defects in self-control. Today, it is of urgent importance to know such categories of persons, including timely provision of effective preventive measures with them.

Based on the analysis of research, the following can be included in the categories of persons with a high probability of committing a crime:

dangerous and extremely dangerous recidivists [61];

sexual assault;

representatives of the criminal world[63] and those who obey their unwritten rules[64];

who committed crimes of terrorism and extremism [65] and were influenced by their harmful foreign ideas [66];

those addicted to alcohol, narcotics and psychotropic substances [67];

those who remained unregistered (latent) as a result of their offenses or did not apply to law enforcement officers;

wanted[68] and fugitives;

those who turned crime into a source of income in the field of information technology[69];

contract killers[70].

a crime, "...most of them are distinguished by the fact that they faced various forms of contempt, discrimination, and humiliation at a young age, and their personality is not fully formed[71]".

Secondly. As a **"person prone to committing a crime"**. their greed and corruption are the main factors in their formation. These vices keep a person away from his duties and responsibilities to his family, society and state [72] . At this point, it is worth noting that individuals of this category are mainly "... in domestic and family conditions, with the presence of negative vices such as malicious extraneous feelings and illegal acquisition of

wealth at the expense of others, indifferent and indifferent attitude of citizens to the surrounding events and incidents [73] ". at the same time, it is manifested in features such as being easily influenced by others and " low level of legal awareness and legal culture [74] " .

Studies have shown that unsupervised adolescents are more likely to drop out of school, follow in the footsteps of disengaged (antisocial) children, and become more prone to crime due to poor conditions and negative street situations [75]. It should be noted that other researchers agree with the approach that individuals prone to committing crimes are usually formed under the influence of some negative social factors contained in small social groups[76].

In particular, people who are prone to committing crimes are manifested through their antisocial behavior, " intentionally disregarding the rules of behavior in society, disrespecting the norms of behavior recognized by all, and openly demonstrating their superiority over others[77]" .

In this regard, in the approaches of Q.R. Abdurasulova and S.S. Niyozova, it was taken into account that disorganized young people are distinguished from other strata of young people by their propensity to commit crimes, and that any criminal act primarily reflects the intellectual, emotional, and moral qualities and characteristics of a person [78]. It should be noted here that these persons are intentional " Not working, not studying, not having a specific occupation, and susceptibility to negative influences [79] " are the categories that can commit crimes.

To the participants of the sociological survey, " *Who do you understand as persons prone to commit crimes ?*" to the question, 47 % of the respondents said that the person is easily susceptible to the influence of various harmful foreign ideas and easily follows them ; 29 % - the person puts himself above others and disregards the laws; 26 % – that the decision to commit offenses is formed in the mind of the person; 2 % - of the person to claim to commit violations .

The analysis shows that the persons who are prone to committing crimes are distinguished by the fact that they are quick to fall under the negative influence of the internal and external environment and the existence of a decision to commit a crime in their minds. In our opinion, the researched persons are categories that retain their internal tendency to perform antisocial behavior in a short and continuous manner, regardless of whether they have committed a crime or not.

In research, the following traits in a person indicate their propensity to commit delinquency, including crime:

- poverty, begging, mental deviance [80] ;
- those who have previously been held criminally responsible, those who do not work anywhere, those who suffer from material shortages, those who do not have a higher education, those who are divorced or have no family [81] ;
- prostitution [82] ;
- congenitally mentally ill, that is, those who have psychological aspects that encourage them to commit illegal acts, those who live in a single-parent family dominated by a complex psychological environment [83] ;
- those who seek to gain wealth in an easy way [84] ;
- those who have a tendency to engage in shameless, corrupt, immoral activities, in particular, those who engage in shameless, corrupt, immoral activities in public places (walking in indecent clothes, flirting, kissing, etc.)[85];
- categories of young people who have been released from penal institutions, who have completed correctional work, and who are in need of social protection and public control due to their propensity to commit crimes, susceptibility to various alien and harmful ideas[86].

Thirdly. Offenses committed by "**individuals with a low probability of committing an offence**". basically committed under mental or physical pressure, in self-defense against an offender (in the course of self-defense),

or as a result of falling into a difficult economic situation (debt, poverty, and health problems), due to coercion or carelessness.

In researches, it is considered that the continuous reduction of population poverty is to increase the level of culture and awareness of the members of society [87], while in other researches, the crime is based on the idea that poverty washes away the boundaries of morality and a person is ready to do anything [88]. "objective and subjective causes of the tendency to act occur in direct interaction with material (socio-economic) and spiritual and psychological factors [89]". At this point, it is worth noting that the crimes committed by these categories in most cases are caused by the need for social, economic and legal assistance and the failure to implement civil relations within the framework of the law.

In the broader coverage of the topic, the participants in the questionnaire were asked: "Who do you know as 'objects of social prevention' as a category of persons with a low probability of committing a crime? 52% of respondents to the question "those who need social prevention in the neighborhoods; 22% are in need of social, economic and legal assistance; 13% of those who commit crimes as a result of mental disorders caused by poverty and unemployment; 13% noted that they are "Iron", "Women" and "People on the list of Youth Register".

In our opinion, it is evidenced that the categories that have developed mental deviations due to unemployment, poverty, life difficulties and other conditions are persons with a low probability of committing a crime.

Analyses show that in Uzbekistan in 12 months of 2023, about 12,000 "unemployed" persons committed crimes, which indicates that the issues of providing employment to the local population are not being effectively resolved[90]. In this regard, it can be seen that 2,730 were students, 510 were workers, 148 were not working or studying, 8 were servants, and 190 were children belonging to other categories[91].

In this regard, some scientists believe that the circumstances that influence the commission of crimes are deficiencies in social, economic, political, cultural life, organizational and economic, behavior of society members and unfortunate events in nature [92]. It also creates a situation of the possibility of committing a crime as a result of "... individuals' failure, unemployment, lack of housing, lack of education[93]".

Based on the above sources, proposals and recommendations were developed for inclusion in the legislation in order to prevent misunderstandings regarding the concepts of persons prone to committing crimes and to organize preventive measures with them:

"a person with a high probability of committing a crime" to Article 3 of the Law of the Republic of Uzbekistan "On Prevention of Offenses" and stating it as follows:

"a person with a high probability of committing a crime - a natural person whose criminal activity has become a way of life, who follows criminal customs and traditions, and who has been recognized by the court as a highly dangerous recidivist";

The concept of "a person prone to committing a crime" defined in Article 3 of this law reflect as follows:

It is appropriate to call it "a person prone to committing a crime - a natural person who may commit a crime in conflict situations due to his antisocial behavior and the need for social, economic and psychological support." These developed concepts will serve to improve the legal regulation of work with persons prone to committing crimes in the future.

Conclusion

In conclusion, it should be said that persons prone to committing crimes do not comply with or recognize the norms of moral behavior in society through antisocial behavior, as well as disobedience to all applicable laws, lies, slander, insults, violation of socially condemned clothing, from studying and working. In order to prevent refusal, indifference, early awakening of sexual desire, drunkenness, influence of the representatives of the criminal world and following their unwritten rules, it is necessary to provide effective preventive measures with them in the future and to research it scientifically.

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