



THE TREND OF DEVELOPMENT OF REFORMS IMPLEMENTED IN THE PENITENTIARY SYSTEM OF OUR COUNTRY.

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Article history:	Abstract:
Received: April 6 th 2023 Accepted: May 6 th 2023 Published: June 11 th 2023	This article describes the state of the penitentiary system in Uzbekistan in connection with the ongoing reforms in the system. In addition, suggestions and recommendations will be made based on foreign experience in improving the existing regulations to ensure the rights and freedoms of persons detained in penitentiaries. In addition, the author made recommendations on setting minimum standards for the employment of convicts in production enterprises owned by private businesses, the length of service of convicts, the elimination of problems related to the transfer of convicts from one institution to another.
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In recent years, reliable protection of the rights and freedoms of the individual, respect for his honor and dignity, in particular, the moral correction of convicts, crime prevention, protection of the rights, freedoms and legitimate interests of convicts in ensuring the implementation of criminal penalties and other criminal sanctions A number of legislative acts have been adopted to further expand the application of the principles of legitimacy, justice, humanity and democracy in defense, as well as the introduction of international standards and best international practices in this area.

In particular, the final result of the implementation of the concept of improving the criminal law of the Republic of Uzbekistan in 2019-2021, approved by the Decree of the President of the Republic of Uzbekistan dated November 7, 2018 No PP-4006 "On measures to radically improve the criminal law" [1.] moral correction of convicts, prevention of their criminal activity, as well as the creation of an effective system of deterrence of crimes committed by other persons.

In our country, systematic work is being carried out to ensure the rights and freedoms of citizens, to prevent the humiliation of their honor and dignity, the restriction of their legitimate interests. In particular, this can be seen in the normative and legal acts adopted in connection with the activities of the penitentiary system, as well as in the measures taken to prevent torture, cruel and inhuman or degrading treatment in penitentiary institutions.

Restrictions on meetings of juveniles with their parents or guardians have been lifted in order to further expand the rights and freedoms of prisoners. The convict was also given the right to apply with an application (notice) to any employee of the institution or body seeking to ensure his personal safety. The

number of telephone conversations and visits to inmates held in closed-type colonies has doubled. For the first time, convicts serving sentences for crimes of little or no social danger were given the right to vote. It is noteworthy that the Commission on Incentives for Prisoners in the Penitentiary Institution includes regional representatives of the Commissioner for Human Rights [2.].

Particular attention is paid to the issues of moral correction of criminals through their full involvement in labor and their formation in the future as a worthy member of our society.

Over the past five years (2017-2021), 3 laws aimed at further improving the legal rights and freedoms of convicts, 1 presidential decree, 6 resolutions, 10 government decrees and orders, and more than 14 other normative legal acts have been adopted. [3, pp. 16].

In particular, by the Decree of the President of the Republic of Uzbekistan No. PP-3200 dated 11.08.2017, the activities in the field of execution of sentences related to imprisonment were radically improved and the scope of rights of convicts was expanded [4.].

In accordance with the Decree of the President of the Republic of Uzbekistan No. PF-5268 dated 30.11.2017, a total of 123 modern video surveillance devices were installed and put into operation in the rooms of investigators in pre-trial detention facilities [5.].

In accordance with the requirements of the Decree of the President of the Republic of Uzbekistan No. PF-5441 dated 12.05.2018, meeting rooms with 69 lawyers in remand prisons and closed colonies were re-equipped and separate rooms for lawyers without video surveillance and hearing aids were established [6.].



The Criminal Procedure Code of the Republic of Uzbekistan introduces the "Rules of Minimum Standards for the Treatment of Prisoners" (Nelson Mandela Rules) adopted by the United Nations General Assembly on 17 December 2015.

Including:

- Prisoners were given the right to psychological assistance;
- Prisoners in need of medical care were allowed to be placed in the territorial offices of the Ministry of Health;
- Prisoners with epilepsy were allowed to talk on the phone and meet with a doctor's permission;
- The application of disciplinary measures for misconduct committed by a convict at the time of mental disorder has been abolished.
- Convicts were provided with no social insurance for work, provided with pension benefits, and the number of telephone calls, visits and meetings of convicts in closed colonies was almost doubled [7].

Based on the tasks assigned by the Decree of the President of the Republic of Uzbekistan dated March 26, 2021 PF-6196 "On measures to raise the activities of law enforcement agencies to a qualitatively new level in ensuring public safety and combating crime" [8.] In accordance with the Resolution No. PQ-5050 of April 2, 2006 "On additional organizational measures to further improve the activities of law enforcement agencies in the field of public safety and the fight against crime," the penitentiary system was reorganized. The Regulation on the Penitentiary Department under the Ministry of Internal Affairs was approved, these activities were regulated and directly subordinated to the Minister of Internal Affairs, who was tasked with developing the penitentiary system of the internal affairs bodies and ensuring strict discipline [9].

All pre-trial detention facilities and penitentiary institutions were removed from the structural and functional subordination of the territorial bodies of internal affairs and transferred to the subordination of the Department. 6 regional coordination centers established in the system of the Department are responsible for the effective organization and day-to-day control of the activities of pre-trial detention facilities and penitentiary institutions. They set the following tasks:

- Reconstruction of existing dormitories of penitentiary institutions and bringing them to the room (cubic) type, construction of 6 new dormitories in order to improve the conditions of imprisonment of prisoners, to bring them into line with international standards;

- Digitization of the penitentiary system, the introduction of information technology that provides "electronic control" of prisoners;

- Providing employees of the institution with video recorders (body cameras) in the service;
- installation of body scanners at checkpoints to prevent the entry of prohibited items into the premises;
- The installation of intelligent cameras (SMART) for the observation and independent control of prisoners is planned in the institutions, and these tasks are being implemented gradually.

In particular, in order to ensure transparency in the conditions of detention of convicts and to prevent the negative consequences of torture and physical abuse, 54 penitentiaries in the system are equipped with 3,280 modern video surveillance devices. Of these, 2,203 are located in the residential area of the penitentiary, 432 in the production area, and 645 in the external administrative area [10].

Also, taking into account the fact that the videoconferencing software of the Supreme Court of the Republic of Uzbekistan for online trials with convicts works through the local network "Tas-ix" The Supreme Court was connected to the TE-Desktop videoconferencing system.

54 special rooms have been set up and equipped with appropriate equipment for the participation of persons in penal colonies and pre-trial detention facilities in videoconferencing at court receptions and receptions of the court administration [11].

At the heart of every reform is the protection of human rights and the protection of their legitimate interests. The Criminal-Executive Code of the Republic of Uzbekistan stipulates that the tasks of the criminal-executive legislation are to ensure the effective execution of direct punishment, moral correction of convicts, prevention of crimes, protection of the rights, freedoms and legitimate interests of convicts. At the same time, penitentiary activities must restore social justice. Execution of a sentence also represents a condition for ensuring the inevitability of criminal liability.

"The inevitability of punishment for a crime is one of the conditions for the survival of society" [12.], "If a prisoner cannot teach a convict to live in a society, he becomes accustomed to living in prison" [13.] At the heart of these quotations is a tremendous meaning.

If no punishment is imposed for the crime, indeed, the state loses its place in society, and if the penitentiary institutions fail to educate the convict, he will commit another crime in the future. Therefore, penitentiary institutions should pay special attention to the upbringing of prisoners, their return to the right life,



the observance of existing rules and regulations in the institution, respect for each convict, the formation of obedience to the law.

Today, there are 54 penitentiaries in the country, of which 18 are closed, 25 are penal colonies and 11 are remand prisons.

It should be noted that as of August 1, 2020, 639 out of every 100,000 people in the United States, 340 in Russia, 335 in Turkey, 343 in Belarus and 68 in Uzbekistan are serving their sentences in penitentiaries [15.]

In contrast to the penitentiary system of some foreign countries, the current criminal law of our country, as a means of moral correction, involves the involvement of convicts in socially useful work. is to shape the relationship.

In the future, to further improve the penitentiary legislation of the country, to apply the experience of developed countries in penitentiary institutions and to gradually reform the penitentiary system and alleviate the situation of prisoners, thereby identifying gaps in the penitentiary legislation to achieve their moral recovery , develop well-founded proposals on them, study the best foreign experience in solving existing problems and apply them to our legislation.

According to Article 57 of the current Criminal Procedure Code, a person sentenced to imprisonment shall serve the entire term of his sentence, usually in one institution, with the consent of the convict in order to ensure his safety. the Ministry of Internal Affairs of the Republic of Uzbekistan mentioned However, there are inconsistencies between the requirements of this norm in the "Regulations on the procedure for sending convicts to a penitentiary institution and their transfer from one institution to another", approved by the order of the Minister of Internal Affairs of the Republic of Uzbekistan dated July 27, 2014 No. 103. In particular, the seventh paragraph of subparagraph "b" of paragraph 9 of the order includes the rule "at the request of the convict or relatives" [16.] Considering that Article 57 of the Criminal Procedure Code stipulates that a convict shall serve his sentence in one institution, except for the requirements of parts 2-3, we consider it logically incorrect to transfer the convict to another institution at the request of him or his relative. While the Department of Corrections received 16,632 appeals in 2021, 8,185 of these appeals, or 49 percent, were in the context of the transfer of convicts to another institution [17.]. When these types of appeals were examined, the convict and his relatives requested that he be transferred to a penitentiary institution near his place of residence. If the procedure for transferring convicts to another institution on the basis of their or

their relatives' appeals is not legally established, or if the regulation of these activities is not determined without human factors, various corruption factors may arise.

Therefore, it is expedient to include in the penitentiary legislation a norm that in which penitentiaries convicts serve their sentences is determined without the involvement of the human factor, using computer technology (address, general, strict, special) based on the court's decision.

Currently, the Penitentiary Department has 25 address colonies, 17 of which specialize in agriculture, and 65-70% of convicts are employed on a contract basis at other facilities due to the lack of development of production activities. Of the 7,361 able-bodied prisoners, 1,444 work in colonies, 4,835 work in long-distance (90-150 km) contract facilities, and 1,082 are unemployed due to lack of jobs [18.].

The study of foreign experience in the use of prisoners has led to the establishment of private prisons in many parts of the world, including the United States, Great Britain, Australia, Brazil, Estonia, Japan, and Sweden.

According to wikipedia.org, private prisons are described as follows.

"Private prisons are for-profit penitentiaries run by commercial organizations. Such organizations enter into contracts with the state to manage penitentiary institutions. Proponents of such a system argue that it will save the state money. Private prisons were controlled by the government, and such prisons should be distinguished from medieval feudal prisons in that the inmates were treated as the feudal lords wished "[20.].

In her article "Private Prisons in the United States", Russian lawyer D. Lapenkova provided information about the activities of private penitentiaries in the United States. In particular, private prisons appeared in the United States during the Reagan presidency in the 1980s, a practice that continued under Presidents George W. Bush and Clinton, and in 2008 the number of private prisons in the United States exceeded 100.

In his article "Private Prison: Business or Slavery," Russian scholar E. Mandalyan writes that the first private prison in the UK was opened in 992 after G4S won a tender to run the prison, with 14 private prisons in England and Wesla in 2012. The British government has announced the privatization of all prisons. "[22].

In our view, the privatization of penitentiaries, but by removing the control of prisoners as a function of the state, can reduce public spending.



Although the current Criminal Procedure Code provides for the employment of persons sentenced to imprisonment, usually in penitentiary institutions and enterprises of their organizations, and in some cases, in other enterprises, provided that the necessary protection and complete segregation are provided [23.] conditions of employment, requirements for places of detention, and norms aimed at ensuring the rights of such convicts are not clearly defined. We believe that the employment of convicts in the objects of the contract, which belong to private business entities, can lead to errors in the creation of conditions for their maintenance, violation of their rights.

Therefore, in the future, taking into account international standards and requirements, we consider it necessary to establish the minimum requirements for the employment and retention of convicts in private businesses or other state enterprises through amendments and additions to the criminal law or the adoption of regulations. .

Also, in order to fully ensure the employment of persons under probation control, it is possible to achieve positive results by establishing enterprises of private entrepreneurship (Labor Homes) under probation units and using these enterprises in the employment of controlled persons.

In our opinion, we can see that some relations related to the labor of convicts detained in penitentiary institutions are not regulated by the criminal and labor legislation. For example, the fact that the length of service of a convict during the execution of a sentence does not add to his total length of service may lead to various objections.

In the future, in order to ensure the labor rights of convicts, it is advisable to include in the legislation the norms on the employment of convicts and the maintenance of employment records during their imprisonment.

In conclusion, penitentiaries should ensure that the rights of convicts and detainees are strictly observed, that their honor and dignity are respected, that control over the proper performance of official duties, and the elimination of corruption and abuse of office are strengthened. , improve the process of re-education and correction of prisoners, aimed at shaping the culture of compliance with the requirements of the law and the rules of conduct in society, the desire to raise the level of knowledge and morality. After all, where there is justice, the rule of law, discipline, there will be a rise.

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