



## FORMATION AND DEVELOPMENT OF THE LEGAL FRAMEWORK OF PROBATION ACTIVITIES IN THE REPUBLIC OF UZBEKISTAN

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### Annotation

The article discusses the formation and development of the legal foundations of probation in the Republic of Uzbekistan, and offers proposals and recommendations for the more effective organization of this activity.

**Key words:** probationary activity, legal basis, law, decree, resolution.

It is advisable to study the history of penitentiary activity in our country, dividing it into three periods:

- the first period, the period before the country gained independence;
- the second period, the period from 1991 to 2016, when our country gained independence;
- the third period, from 2016 to the present day, or the period of promising reforms in New Uzbekistan.

We can study the first period itself by dividing it into three stages:

the first stage, the period of the creation of the prison system in 1924-1934, during which the transition from prisons to correctional labor institutions was carried out, involved the re-education of persons prosecuted for criminal offenses, as well as offenders, through imprisonment. During this period, the Correctional Labor Code of the Uzbek SSR, adopted in 1925, was in force, regulating the activities of labor institutions.

the second stage, 1935-1953, particularly during the second world war, was a period in which convicts were sent to the front and correctional and labor institutions were adapted to the production of necessary goods for the front (clothing for the army, mines, etc.). After the end of the war, convicts were used as cheap labor to restore the destroyed national economy.

the third stage, covering the period 1954-1991. Beginning in the 1960s, incentive measures such as conditional early release and transfer from closed-type institutions to places of residence were applied to convicts in correctional labor institutions.[1]

It should be noted that during the years of our country's colonization by Tsarist Russia, human rights and interests were reduced to the second level. In parallel with this period, European countries abandoned the colonial system and began a period of struggle for human rights and their interests throughout the world. In other words, it was formed on the principle that "all needs must serve the human being." In particular, in this regard, F. Dunkel's statement that "the process of development of the modern probation service is still influenced by the liberal trend that emerged in Europe and the United States in the 16th century." [2] It would not be an exaggeration to say that the activation of liberally thinking people in the life of society after capitalism has developed all aspects of life.

Speaking about the second period, that is, the period from 1991 to 2016, when our country gained independence, we can say that after our country gained independence, a new

era of reform in the judicial and legal sphere began, and a number of positive reforms were implemented in our country. In particular, in pursuit of human rights and interests, special attention was paid to the sphere of punitive execution, the Criminal[3] and Criminal-Executive Codes[4] of the Republic of Uzbekistan were adopted, and to date, relevant amendments and additions are being made to a number of articles of these codes. In particular, when liberalizing criminal penalties and imposing criminal penalties related to deprivation of liberty,..." the classification of crimes has been changed. As a result, about 75 percent of serious and extremely serious crimes were classified as less serious crimes.

It should be noted that one of the important factors in ensuring human rights and freedoms, the development and formation of a system for imposing punishments not related to imprisonment, when assigning punishments to persons who have committed crimes, has become one of the factors. At the same time, according to amendments and additions to the Criminal Code of the Republic of Uzbekistan dated August 29, 2001, "the possibility of applying economic sanctions in the form of fines instead of imprisonment and imprisonment in criminal cases in the field of economics has been significantly expanded." Eleven articles of the Criminal Code included provisions that the punishment in the form of deprivation of liberty is not applied in the event of compensation for material damage. It can be said that the amendments to this legislation served, first and foremost, to strengthen and apply in practice such principles as justice and humanity in the legislation by reducing the punishment of imprisonment in the creation of humanitarian legal foundations for punishment.

We can say that these reforms in the judicial and legal system have brought the coordination and legal regulation of law enforcement activities in the system of state power and management to a new level. For example, after the widespread use of punishments related to imprisonment by the courts in 1992-2001, the law "On Administrative Supervision of Internal Affairs Bodies over Persons Released from Institutions for the Execution of Punishments" served as the legal basis. At the same time, the Criminal Executive Code of the Republic of Uzbekistan adopted in 1997, the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On the Concept of Maintaining Public Order and Ensuring Security in the City of Tashkent" of April 12, 1999, played a special role in the formation and development of the legal framework for probation activities in our country. The reason is that these started reforms are unique in that they cover the entire system of internal affairs and are focused on all important areas of activity.[11]

The Decree of the President of the Republic of Uzbekistan No. UP-2822 of March 27, 2001, "On Measures to Improve the Activities of Internal Affairs Agencies of the Republic of Uzbekistan," is also of particular importance in improving the legal framework for probationary activities of internal affairs agencies. This Decree defines the organizational structure and main tasks of the Ministry of Internal Affairs of the Republic of Uzbekistan. The Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated June 6, 2001, "On Measures to Strengthen the Role of the Preventive Service in Combating Crime," adopted to ensure the implementation of this Decree, also played an important role in strengthening the legal status of probation activities of the Ministry of Internal Affairs. The reason is that at that time, this sectoral service was one of the components of the Ministry of Internal Affairs' crime prevention services. The results of these reforms made it possible to radically revise and strengthen work to prevent offenses, identify and eliminate the causes of crimes and the

conditions that contributed to them, and ensure a significant improvement in the criminal situation in our country.

At the same time, the Decrees of the President of the Republic of Uzbekistan dated September 26, 2003, No. UP-3264 "On the liberalization of conditions for serving sentences for persons sentenced to imprisonment for the first time"<sup>15</sup> and dated July 19, 2004, No. UP-3264 "On measures to further improve the activities of internal affairs bodies of the Republic of Uzbekistan"<sup>16</sup> are of particular importance in improving the legal status of probation. Specifically, based on the aforementioned regulatory legal acts, it would not be an exaggeration to say that the internal affairs bodies effectively influenced the implementation of mechanisms for interaction between structural units carrying out probation activities with sectoral services of internal affairs bodies and other law enforcement agencies, as well as other state bodies, self-government bodies of citizens and public structures under them, and other civil society institutions.

The adoption of the Law of the Republic of Uzbekistan "On the Prevention of Offenses" on May 14, 2014, also serves to increase the effectiveness of work in this area and raise it to a qualitatively new level.

The adoption of the Law of the Republic of Uzbekistan "On Internal Affairs Bodies" on September 16, 2016, also played a significant role in understanding the legal foundations, structure, and current state of the structural units of internal affairs bodies engaged in probation activities, defining their goals and objectives.

In particular, in Article 2 of the law, the main tasks of the internal affairs bodies are the protection of the rights, freedoms and legitimate interests of citizens, property of individuals and legal entities, the constitutional order, ensuring the rule of law, the security of the individual, society and the state, as well as the prevention and prevention of offenses, and in Article 4 of the law, as one of the main directions of the activities of the internal affairs bodies, the prevention of offenses, the identification and elimination of their causes and conditions that allow them.

The laws of the Republic of Uzbekistan "On Courts," "On the Prosecutor's Office," "On Operational Search Activities," "On Prevention of Neglect and Offenses Among Minors," and other laws regulate the relations governing the activities of sectoral directions, services, and departments of internal affairs bodies, as well as their main tasks, functions, rights, and responsibilities.

Speaking about the third period, from 2016 to the present day, or the period of promising reforms in New Uzbekistan, we can say that during the period of reforms in New Uzbekistan, a new stage of reforms in the system of internal affairs bodies, that is, the adoption of a number of regulatory legal acts aimed at fundamentally improving the activities of internal affairs bodies related to the prevention of offenses, the fight against crime, the protection of public order and ensuring public safety, became the basis for the "Strategy of Actions for the Development of the Republic In particular, as defined in Section 2 of the Strategy, "the need for a comprehensive study, analysis, and evaluation of the organizational and legal foundations and effectiveness of the activities of internal affairs bodies, primarily the improvement of the activities of penitentiary structures," which served as a practical impetus for reforming the execution of punishments in internal affairs bodies.

In particular, in order to ensure the implementation of this Decree, the Decree of the President of the Republic of Uzbekistan No. PP-2833 "On Measures to Further Improve the

System of Crime Prevention and Combating Crime" dated March 14, 2017, should be recognized as one of the important steps in improving the legal foundations of the Department of Public Safety of the Ministry of Internal Affairs at the beginning of the reforms of New Uzbekistan. The reason is that this decision serves to improve the cooperation of crime prevention subjects and create a more effective system for the implementation of crime and crime prevention.

The Decree of the President of the Republic of Uzbekistan dated April 10, 2017, No. UP-5005 "On Measures to Fundamentally Enhance the Effectiveness of the Activities of Internal Affairs Bodies, Strengthen Their Responsibility for Ensuring Public Order, Reliable Protection of the Rights, Freedoms, and Legitimate Interests of Citizens," literally defines the current tasks of fundamentally reforming, improving the activities of internal affairs bodies, and preventing offenses.

Furthermore, as a continuation of reforms in the judicial and legal system of our country, the Probation Service was established by the Decree of the President of the Republic of Uzbekistan dated November 7, 2018, No. PP-4006 "On Measures to Fundamentally Improve Criminal Enforcement Legislation," and the activities of probation are regulated by the Decrees of the Cabinet of Ministers of the Republic of Uzbekistan dated May 8, 2018, No. 346 "On Approving the Regulations on the Procedure for Organizing the Execution of Punishments in

Furthermore, as a logical continuation of the aforementioned reforms, the Decree of the President of the Republic of Uzbekistan "On Measures to Raise the Activities of Internal Affairs Bodies to a Qualitatively New Level in the Field of Ensuring Public Security and Combating Crime" of March 26, 2021, made an invaluable contribution to further strengthening the norms regarding the legal status of the structural units of internal affairs bodies carrying out probation activities. In particular, this Decree defines completely new mechanisms for organizing the activities of internal affairs bodies in ensuring public safety, preventing offenses and combating crime, strengthening law and order and legality in our country through the establishment of effective activities of internal affairs bodies from the lowest level to the republican level and the introduction of modern methods of work, ensuring peace and tranquility of the population.

At the same time, in accordance with this Decree, in order to introduce a unified system for managing and coordinating the activities of related sectoral services through the improvement of the structure of the Ministry of Internal Affairs, the Main Directorate of Patrol and Postal Service and Public Order Protection, the Main Directorate of Crime Prevention, the Main Directorate of Traffic Safety, the Department of Public Safety, which includes the Probation Service, and the post of Deputy Minister of Internal Affairs of the Republic of Karakalpakstan, heads of regional, district and city internal affairs

It should be noted that the Decree of the President of the Republic of Uzbekistan "On Approving the Concept of Public Safety of the Republic of Uzbekistan and Measures for its Implementation" also plays a special role in the further improvement and strengthening of the legal status of the structural units of the internal affairs bodies carrying out probation activities in the process of large-scale reforms being carried out in our country today, as well as in ensuring a peaceful and tranquil life of the population, forming a culture of lawfulness and public safety in our society.

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