



## LEGAL BASIS OF ACTIVITIES FOR SOCIAL REHABILITATION AND ADAPTATION OF PERSONS RELEASED FROM PENAL INSTITUTIONS

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**Abstract.** This article analyzes the legal basis of the concept of social rehabilitation and adaptation of persons released from penal institutions. Additionally, based on legal analysis, existing problems in this area were studied, and proposals and recommendations for their solutions were provided.

**Keywords:** execution of punishment, person, offense, social, rehabilitation, adaptation, prevention, legal basis, regulatory legal acts.

From the reforms carried out since our country gained independence to the present day, we can see that reforms in the judicial and legal sphere, including the liberalization of criminal penalties, have been consistently continued.

After the First President of the Republic of Uzbekistan Islam Karimov criticized the state of efforts to provide jobs and housing for persons released from penal institutions and their reintegration into society, legal mechanisms for this work began to be developed[1].

As a result of ensuring judicial independence, in 2024 alone, criminal courts reviewed 61,481 criminal cases against 77,995 individuals. Additionally, 723 people were acquitted and rehabilitated. The number of convicted persons amounted to 61,502, of which 20,659 were sentenced to imprisonment and 39,763 to other types of punishment, while 1,080 received suspended sentences[2].

The main measures for persons released from penal institutions include: fostering law-abiding behavior and respect for societal rules of conduct, providing social rehabilitation and adaptation, education, vocational training, housing assistance and material support to prevent them from committing new crimes and offenses and to help them find their place in society.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela's Rules) [3] are the goals of protecting society from criminals and reducing cases of repeat offenses - imprisonment or similar imprisonment sentences. These goals can be achieved if, as far as possible, the term of detention is used to reintegrate such persons into society after their release so that they can obey the law and lead an independent life.

In this regard, prison administrations and authorized bodies must provide appropriate and available opportunities for education, vocational training, and employment, as well as other types of assistance, including correctional, moral, ethical, social, medical, and sports-related. All such programs, events, and services should be implemented taking into account the personal needs of prisoners in their rehabilitation.

Activities for the social rehabilitation and adaptation of persons released from correctional institutions should be more transparent and free from excessive formalism, aimed at their full social adaptation after serving a sentence. One of the leading ideas in the context of reforming the execution of sentences and the subsequent system is the re-socialization of

convicts. Certain organizational and legislative initiatives have already been implemented in this area, which are the Constitution and Laws of the Republic of Uzbekistan in the new edition, resolutions of the chambers of the Oliy Majlis of the Republic of Uzbekistan, decrees, resolutions and orders of the President of the Republic of Uzbekistan, resolutions of the Cabinet of Ministers, orders and resolutions of relevant ministries, state committees and departments, and decisions of local government bodies.

In Article 1 of the Constitution of the Republic of Uzbekistan, adopted in the new edition on April 30, 2023, the phrase "Uzbekistan - a sovereign democratic republic" was changed as follows, that is, Uzbekistan is a sovereign, democratic, legal, social, and secular state with a republican form of government[4].

From this, we can see that the new version of the Constitution is reflected in the norms that embody the requirements for the protection of the legal and social rights of our citizens. In particular: Article 14 of the Constitution states that the State carries out its activities on the basis of the principles of legality, social justice, and solidarity in order to ensure the well-being of the individual and the sustainable development of society[5].

Article 46. Everyone has the right to social security in old age, in case of disability, unemployment, as well as in case of loss of a breadwinner and in other cases stipulated by law[6].

Article 47. And everyone has the right to housing.

No one may be deprived of housing without a court decision and in a manner contrary to the law. The owner deprived of housing is provided with preliminary and equivalent compensation for the cost of the housing and the losses incurred in the cases and manner prescribed by law. The State stimulates housing construction and creates conditions for the realization of the right to housing. The procedure for providing housing to socially vulnerable categories of the population is determined by law[7].

In our opinion, special attention should be paid to socially vulnerable categories of persons released from correctional institutions, including low-income, unemployed, those in need of housing, or those in need of medical care. The term social rehabilitation and adaptation refers to an individual's attempt to become a full member of a legal society.

The complexity of the problems currently encountered in practice in the activities of social rehabilitation and adaptation of persons released from correctional institutions requires talking not about personal corrections within this system, but about the formation of new approaches, new ideology, and mechanisms of legal regulation.

Increasing the effectiveness of activities for the social rehabilitation and adaptation of persons released from correctional institutions requires regular study, analysis, and monitoring of the legal framework in this area, monitoring their compliance with and implementation in public life. This, in turn:

- a) study and verification of the compliance of subordinate regulatory legal acts in this area, including the Constitution of the Republic of Uzbekistan, laws, decrees, resolutions and departmental acts of the Ministry of Internal Affairs;
- b) monitoring the full implementation of the norms and provisions of the Constitution in laws and subordinate normative legal acts, as well as their application;
- c) observation and study of the interrelationship, complexity, and consistency of legal norms in adopted legislative acts;

d) studying the extent to which the implementation of laws and subordinate regulatory legal acts in this area is ensured in practice, is implemented, and benefits society;

d) identification, study, and elimination of conditions that lead to the fact that the execution of some existing laws and subordinate regulatory legal acts is not ensured and remains only on paper, which allows taking measures to improve them.

It is important to organize and directly regulate the activities of social rehabilitation and adaptation of persons released from correctional institutions. Today, the laws applied in the implementation of activities for the social rehabilitation and adaptation of persons released from penal institutions are diverse in their legal nature and regulate a certain aspect of this activity.

We will try to classify these laws within the framework of the main areas of activity for the social rehabilitation and adaptation of persons released from correctional institutions:

The Law of the Republic of Uzbekistan "On State Pension Provision of Citizens" No. 938-XII (03.09.1993) defines the procedure for the implementation of the constitutional rights of citizens of the Republic of Uzbekistan to social security in old age, full or partial disability, or loss of breadwinner, a unified system of state pensions, their assignment, calculation, recalculation, and payment[8].

Any work performed by persons sentenced to imprisonment during the period of serving a sentence in a correctional institution is counted towards the length of service if the correctional institution paid social tax for the period of performance of this work.

At the same time, persons sentenced to imprisonment serving sentences in settlement colonies may apply for a pension directly to the district (city) department of the Extrabudgetary Pension Fund under the Ministry of Economy and Finance of the Republic of Uzbekistan at the location of the settlement colony or, by filling out a questionnaire, through the centers of state services of the Ministry of Justice of the Republic of Uzbekistan.

Payment of pensions to persons serving sentences in settlement colonies is carried out by district (city) departments of the off-budget Pension Fund under the Ministry of Finance of the Republic of Uzbekistan at the location of the settlement colony by transferring the corresponding pension amounts to the personal accounts of convicts.

Also, the Law of the Republic of Uzbekistan "On the Protection of Citizens' Health" No. 265-I (29.08.1996) [9] regulates the state guarantee of citizens' rights to healthcare, the formation of a healthy lifestyle of citizens, and the legal regulation of the activities of state bodies, enterprises, institutions, organizations, and public associations in the field of citizens' healthcare.

The Law of the Republic of Uzbekistan "On Social Protection of Persons with Disabilities in the Republic of Uzbekistan" No. 3PY-162 (11.07.2008) [10] defines the state policy towards persons with disabilities in order to create favorable conditions for persons with disabilities in the exercise of their rights and freedoms, ensuring equal opportunities with all other citizens of the Republic of Uzbekistan, eliminating restrictions on their life activities, allowing them to lead a full life, actively participate in the economic and political life of society, as well as fulfill their civic duties.

The Law of the Republic of Uzbekistan "On Employment of the Population" No. 3PY-642 (20.10.2020) regulates the activities of the Internal Affairs Bodies, aimed at preventing unemployment and assisting in ensuring employment. Consequently, many problems often begin with unemployment[12]. One of the negative consequences of unemployment is its

connection with crime, its "feeding" and growth. Analysis shows that currently, one in four perpetrators of crimes in our republic are unemployed individuals[13]. Criminologists believe that a 10% increase in unemployment leads to a 3.4-6.5% increase in crime[14]. Therefore, they emphasized the need to help individuals released from correctional facilities find employment to prevent them from committing crimes again[15].

Laws directly regulating the activities of social rehabilitation and adaptation of persons released from penal institutions.

The Law of the Republic of Uzbekistan "On Crime Prevention" No. 3PY-371 (14.05.2014) is one of the first laws that served to directly regulate and strengthen the legal framework for the social rehabilitation and adaptation of persons released from correctional institutions, providing them with assistance and control, and Article 3 of the law defines the concept of social rehabilitation and social adaptation. According to the Law "On Crime Prevention," the subjects directly involved in crime prevention also have several responsibilities in the social rehabilitation and adaptation of individuals released from correctional institutions.

The Youth Affairs Agency of the Republic of Uzbekistan and its territorial subdivisions have powers in the field of crime prevention that include participating in measures for the social rehabilitation and social adaptation of victims of offenses, individuals prone to committing offenses, those who have committed offenses, including previously convicted persons and those released from places of imprisonment (youth).

At the same time, Article 33 of the law states that measures for social rehabilitation and social adaptation in relation to victims of offenses, persons prone to committing offenses, and those who have committed offenses are applied by the body or institution directly carrying out crime prevention in the manner prescribed by law [16].

As evident from the above analysis, while there are certain laws regulating some aspects of social rehabilitation and adaptation of persons released from penal institutions in our country's law enforcement practice today, the social relations within the framework of social rehabilitation and adaptation activities, which is their most important and primary area of operation, are not regulated within a single comprehensive law.

It should be noted that based on the Law of the Republic of Uzbekistan "On Internal Affairs Bodies" No. ZRU-407 (16.09.2016), a number of legal documents were adopted to strengthen the legal basis for the activities of Internal Affairs Bodies. Among the adopted legislative acts, there are many that directly regulate the activities of social rehabilitation and adaptation of persons released from penal institutions. Article 16 of Chapter 3 of the Law (Obligations of Internal Affairs Bodies) establishes the obligation to implement measures for social rehabilitation and social adaptation [17].

The Law of the Republic of Uzbekistan "On State Youth Policy" No. ZRU-406 (14.09.2016) was adopted in a new edition to elevate the work on comprehensively raising a healthy and harmoniously developed young generation to a new level [18]. The Law regulates the main principles and directions of state youth policy, bodies and institutions implementing and participating in state youth policy, legal and social protection of youth, and other issues related to this sphere. The Internal Affairs Bodies participate in implementing the main directions of state youth policy defined by law, ensuring the fulfillment of assigned tasks, and establishing cooperation in this area with relevant bodies and institutions, mahalla committees, and non-governmental non-profit organizations [19].

It should be noted that the Law of the Republic of Uzbekistan No. ZRU-139 "On Guarantees of the Rights of the Child" (07.01.2008) defines the system for ensuring guarantees of the rights of the child in society and serves to prevent offenses among minors. The law defines the main directions of state policy on the protection of children's rights, the right of orphans and children left without parental care, children who have graduated from specialized educational institutions or released from correctional institutions, who are under full state support, as well as other categories of children in need of social protection, to the right to the same living space in which they previously lived, or to receive housing in accordance with the legislation[20].

In this regard, the Law of the Republic of Uzbekistan "On the Prevention of Neglect and Offenses among Minors" (dated September 29, 2010). The adoption of the law eliminated the legal gap in the field of prevention of neglect and delinquency among minors. This liberalized the activities of entities in this area and contributed to the coordination and further expansion of cooperation. The law regulates the main tasks, principles of activities for the prevention of neglect and delinquency among minors, the powers of the bodies and institutions carrying it out, the organization of individual preventive work, and other issues[21].

This law plays an important role as a legal basis for the implementation of activities for the social rehabilitation and adaptation of persons released on parole from serving a sentence, persons released due to the loss of their social danger or in connection with the sincere repentance of the guilty party or on the basis of an amnesty act or pardon; persons released from correctional institutions or returning from specialized educational institutions.

The Law of the Republic of Uzbekistan "On the Protection of Children from All Forms of Violence" No. 3PY-996 (November 14, 2024) has been adopted. This law eliminated the legal gap in the field of protecting children from all forms of violence. This liberalized the activities of entities in this area and contributed to the coordination and further expansion of cooperation. The powers of the Youth Affairs Agency of the Republic of Uzbekistan and local executive authorities in the field of protecting children from all forms of violence are legally regulated.

Law of the Republic of Uzbekistan "On Administrative Supervision in Internal Affairs Bodies over Persons Released from Correctional Institutions." The Law of the Republic of Uzbekistan No. ZRU-532 dated 02.04.2019) regulates the procedure and grounds for establishing administrative supervision, restrictions on persons subject to such supervision, the rights and obligations of internal affairs officers in this area, the obligations of the supervised person and the procedure for implementing administrative supervision, as well as activities related to the prevention of recidivism by previously convicted persons, their social adaptation[23].

This law assigns to the Internal Affairs Bodies the functions of applying educational and preventive measures and restrictions stipulated by law to individuals in the implementation of administrative supervision, assisting in their reintegration, and preventing the commission of crimes.

As can be seen from the above analysis, the adoption of the Law of the Republic of Uzbekistan "On the Protection of Children from All Forms of Violence" No. 3PY-996 (14.11.2024) is an important legal basis regulating the main directions of activities for organizing the provision of assistance in the socio-pedagogical rehabilitation, adaptation and reintegration of minors under the age of eighteen, released from places of deprivation of liberty

and returned from specialized educational institutions and educational institutions of the republic.

Decrees of the President of the Republic of Uzbekistan regulating the activities of social rehabilitation and adaptation of persons released from penal institutions play an important role in the legal regulation of the activities of social rehabilitation and adaptation of persons released from penal institutions.

In the Decree of the President of the Republic of Uzbekistan "On Measures to Radically Increase 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" No. UP-5005 dated 10.04.2017, the decree is an important condition for achieving the goals of large-scale reforms being carried out to establish stability, peace, and tranquility in society, ensure strict observance of human rights and freedoms, further socio-economic development of the country, improve the well-being of the population, and build a democratic state governed by the rule of law[24]. At the same time, the Decree plays an important role in the qualitative improvement of the process of re-education and subsequent social adaptation of persons sentenced to imprisonment.

In accordance with the Decree of the President of the Republic of Uzbekistan dated July 25, 2022 No. UP-175 "On Approving the Strategy for Social Protection of the Population of the Republic of Uzbekistan," consistent reforms have been carried out in recent years in the areas of improving the social protection system, increasing the amount of funds allocated from the State Budget of the Republic of Uzbekistan to the sphere of social protection and attracting additional resources, expanding the coverage of social protection programs and introducing additional mechanisms aimed at bringing families out of difficult life situations[25].

As a continuation of these reforms, the adoption of the Decree of the President of the Republic of Uzbekistan No. UP-17 "On Improving the Procedure for Financing the Social Protection System of the Population" (30.01.2025) [26] ensured the socialization of persons released from places of deprivation of liberty, and the procedure for paying a one-time allowance in the amount of 6 times the basic calculated value through "Inson" social service centers was established, and the task was set to integrate the database of citizens who have served sentences in the form of imprisonment into the information system "Unified Register of Social Protection."

Decree No. UP-4262 "On Additional Measures to Improve the Passport System in the Republic of Uzbekistan" (05.12.2011) [27], Decree No. UP-6065 "On Measures to Introduce Identification ID-Cards in the Republic of Uzbekistan" (22.09.2020) [28], and Decree No. UP-112 "On Amendments and Additions to Certain Acts of the President of the Republic of Uzbekistan in Connection with Improving the System of Providing Public Services in the Field of Citizenship and Migration" (20.04.2022) [29] were adopted, which played an important role in the rapid adaptation of persons released from correctional institutions to society. These decrees serve as the legal basis for reforms in this direction, ensuring that persons who have served their sentences in correctional institutions do not be held liable if they apply for the loss or damage of their civil passport or ID-card.

In our opinion, the application of social rehabilitation and adaptation in relation to services provided to persons released from correctional institutions to establish a new way of life and help them become effective members of society is generally stated in legislative acts, but the mechanisms for implementing social rehabilitation and adaptation in relation to this

category of persons are not fully defined in these legislative acts. And the rehabilitation and adaptation measures being implemented do not sufficiently cover their needs. In particular, the measures of social rehabilitation and adaptation applied to persons released from correctional institutions with deviant behavior are unsatisfactory.

Also, as the President of the Republic of Uzbekistan Shavkat Mirziyoyev noted, "At the same time, when it comes to the completeness, vitality, and mechanisms of direct implementation of laws, it is necessary to emphasize that we still have a lot of work to do in this regard"[30].

Respondents to the question "Do you think it is necessary to adopt the Law "On Social Rehabilitation and Adaptation"? - % - There is no need for the law - % - The law fills the legal gap - % - The law systematizes normative legal acts - % - The law facilitates the work of entities that directly implement it.

In order to prevent existing problems in this area, eliminate legal gaps, ambiguities and contradictions, as well as to bring legal norms in the field of social rehabilitation and adaptation into a single system within the framework of the law, in our opinion, it is advisable to adopt the Law of the Republic of Uzbekistan "On Social Rehabilitation and Adaptation."

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