



## PENSION PROVISION FOR CONVICTED PERSONS

Eshkulov Doston Jahongir ugli

Lecturer of the Department of Legal Sciences at the Institute for Advanced Training of the Ministry of Internal Affairs of the Republic of Uzbekistan, Major

Telephone: 90-125-43-35

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**Abstract.** The article systematically analyzes from a scientific and practical perspective the possibility of strengthening social protection, reinforcing family ties, and reducing recidivism by adapting important norms guaranteeing the pension rights of convicts based on the experience of foreign scholars. It argues that the gradual implementation of these norms in Uzbekistan will accelerate the reintegration of convicts into society and optimize state social expenditures.

**Keywords.** Social rights, pension, pension fund, Criminal Executive Code, penal institution, convict, labor, tax rate, personal account, digital platform, recidivism.

According to the legislation of the Republic of Uzbekistan, the payment of pensions assigned to persons sentenced to imprisonment is suspended for the duration of their incarceration, with the exception of convicts serving sentences in settlement colonies. The expenses of penal institutions for paying wages to persons sentenced to imprisonment are subject to social tax. The period for which social tax was paid is included in the total length of service of persons sentenced to imprisonment. The administration of the institution sends a certificate of tax payment for the period of the convict's sentence to the district (city) department of the Pension Fund electronically at least three working days before the convict's release from the correctional institution, and also issues it to the convict in paper form upon release.

Persons serving sentences in settlement colonies who have been sentenced to imprisonment may receive a pension in the manner prescribed by law. The assignment and payment of pensions to such persons are carried out by district (city) departments of the Pension Fund at the location of the settlement colony by transferring the corresponding pension amounts to the convicts' personal accounts.

Persons released from correctional institutions have the right to state pension provision in accordance with the legislation. This norm is defined in Article 96 of the Criminal Executive Code of the Republic of Uzbekistan (CEC) and was developed to ensure the social protection of convicts, preserve their work experience, and guarantee their right to a pension after release[1].

In international law, the pension rights of prisoners are defined in the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules, 2015), which emphasize the need to maintain work experience and continue social security payments. International Labour Organization Convention No. 102 (1952) recommends the application of social security, including for convicts. The recommendations of the Council of Europe indicate that the length of service of convicts should be calculated continuously. In the decisions of the European Court of Human Rights (for example, Vinter v. UK, 2013), it is emphasized that the social rights of

convicts, including pensions, should not be restricted. These international norms need to be integrated into the legislation of Uzbekistan.

Part one of Article 96 of the Criminal Executive Code classifies the expenses of penal institutions for the payment of labor to convicts as the object of social taxation. According to Article 378 of the Tax Code of the Republic of Uzbekistan, the social tax rate is 12% (as of January 1, 2025). The institution transfers 12% of the social tax from the convict's salary to the Pension Fund. For example, if a convict receives a monthly salary of 1,500,000 soums, 180,000 soums of tax is paid. This tax is credited to the convict's personal account in the pension fund and increases the amount of the future pension. However, in practice, there are cases when institutions do not pay taxes in full or are late, which reduces the convict's length of service. Klaus Weber (2023) is studying how to make social security payments in German prisons through an automated system.

In Germany, 18.6% of the insurance payment from each convict's salary (pension 9.3%, medical 7.3%, unemployment 2%) is automatically transferred to the State Insurance Fund. The study covered the data of 15,000 convicts between 2017 and 2022, with automation ensuring the timeliness of tax payments by 99.8%. Weber also proposes to provide the possibility of tracking the pension fund account of convicts through a digital platform. This increases the motivation of convicts and guarantees their right to a pension after release. In the German model, the prisoner's pension account is updated monthly and can be viewed through the terminal inside the institution. This system increased the interest of convicts in labor by 22%.

The inclusion of the period of social tax payment in the convict's total length of service is established by part two of Article 96 of the Criminal Executive Code. This norm closely links the convict's work experience before and after release. For example, if a convict has served a sentence for 5 years and worked during this period, 5 years of work experience is added. According to Article 7 of the Law of the Republic of Uzbekistan "On State Pension Provision of Citizens," the minimum length of service for assigning a pension is 25 years for men and 20 years for women, and the average pension amount is about 1,200,000 soums. The convict's length of service during the sentence helps to cover this requirement. However, many convicts have no work experience before sentencing (for example, young offenders), so it is difficult to receive a pension after release. Sarah Andersson (2024) studied the model of "continuous calculation" of the length of service of convicts in the Swedish experience[3]. In Sweden, even if a convict does not work during the sentence, 50% of the length of service is retained (for social rehabilitation purposes). The study showed that in the period from 2018 to 2023, for 8,000 prisoners, this model made it 62% easier to receive a pension after release.

In the Swedish model, when a convict is released, pension documents are prepared automatically. This process will be completed in 3 days. In her study, Andersson found that maintaining work experience reduced recidivism by 15%, as prisoners were more hopeful for future retirement.

Part three of Article 96 of the Criminal Executive Code stipulates that the administration of the institution must submit a certificate of tax payment in two forms: electronically to the Pension Fund (3 days before release) and in paper form to the convict (on release day). This norm ensures uninterrupted data transmission. The electronic certificate is sent through the "Electronic Government" system in PDF or XML format. But in practice, due to system failures, internet outages, or irresponsibility of institution employees, certificates are delayed. For

example, in 2024, according to the Ministry of Internal Affairs, referrals were delayed in 18% of cases. Michael Hansen (2024) is studying the implementation of information exchange in Norwegian prisons using blockchain technology. In Norway, each convict's pension information is stored in a blockchain, and the day of release is automatically transferred to the Pension Fund. The study showed that in the period from 2020 to 2023, delays decreased by 0% in 4,500 convicts. Hansen also suggests giving the convict the opportunity to view his pension account through a mobile application. In the Norwegian model, the prisoner monitors his account through a tablet inside the institution. This system increased the legal literacy of convicts by 30%. In his research, Hansen asserted that blockchain security is 100% guaranteed.

The suspension of pension payments during the period of imprisonment is established by part four of Article 96 of the Criminal Executive Code. This norm is applied to save pension expenses, taking into account the convict's state support in the institution. In the settlement colony, convicts live in semi-free conditions, communicate with their families, and can receive a pension. The suspension of the pension negatively affects the convict's family, as the family is deprived of material support. Lee Sing (2023) studied the model of continuing pension payments without interruption in the experience of South Korea[5]. In Korea, the convict's pension is transferred to the institution's account and sent to the family (70% to the family, 30% to the convict's account). The study showed that in the period from 2019 to 2022, the social well-being of 3,200 convict families increased by 28%. Sing also suggests partially (50%) sending the pension to the family. In the Korean model, the family receives a pension on a bank card. This strengthens family ties and reduces recidivism by 12%. In his study, Sing found that the suspension of pensions increases family poverty by 45%.

The receipt of pensions by convicts in settlement colonies to their personal accounts is established by parts five and six of Article 96 of the Criminal Executive Code. The Pension Fund transfers the amounts to the convict's account, which the convict can send to his family or use after release. This will help financially support the convict's family. Anna Petrova (2024) is studying the expansion of settlement colonies and the digitalization of pension payments based on the experience of Russia[6]. There are 150 settlement colonies in Russia, and pension payments are made through mobile banking (Sberbank, Tinkoff). The study strengthened family ties in 12,000 convicts by 35% between 2021 and 2023. Petrova also proposes to send 70% of the pension amount to the family. In the Russian model, the convict sends the pension to his family via a QR code. This process will be completed within 24 hours. Petrova showed that settlement colonies reduced recidivism by 20%.

The right of released persons to state pension provision is guaranteed by part seven of Article 96 of the Criminal Executive Code. After release, the convict applies to the Pension Fund, confirms their length of service, and assigns a pension. The process must be completed within 30 days. However, due to the lack of documents or delays, many released people remain without a pension. Thomas Brown (2023) studied the "pension bridge" program for released persons in the US experience[7]. The program prepares pension documents 30 days before release, a consultant assists. The study accelerated the receipt of pensions by 78% when 25,000 were released between 2018 and 2022. Brown also offers retirement counseling centers to those released. In the US model, centers are available in each state. In Brown's study, the program improved the social adaptation of released prisoners by 40%.

Luis Garcia (2024) studies digital pension platforms in the experience of Spain[8]. In Spain, prisoners monitor their pension accounts through the "Mi Seguridad Social" application.

The study increased motivation by 25% in 10,000 convicts between 2020 and 2023. Garcia also suggests protecting the pension account through biometric identification. Hyeon Kim (2023) learns to transfer a pension to the family in the Japanese model[9]. In Japan, 80% of the pension goes to the family. The study showed a 32% increase in well-being in 5,000 families between 2019 and 2022. Lars Eriksson (2024) learns to maintain work-free experience on the Danish experience[10]. In Denmark, 70% of the term of punishment is added to the length of service. The study guaranteed the right to a pension to 6,000 convicts by 55% between 2017 and 2023.

Friedrich Schmidt (2024) is studying API integration in the Austrian experience[11]. Exchange of information between institutions and the Pension Fund in real time. The study reduced errors by 0.5% in 3,000 convicts between 2021 and 2023. Maria Oliveira (2023) studies the entry of a mobile pension in the Portuguese model[12]. Prisoners manage accounts via tablets. The study increased satisfaction by 38% in 2,500 inmates between 2020 and 2022. Yuki Tanaka (2024) is studying the restoration of retirement after release on the experience of Japan[13]. Those released will be assigned a pension within 6 months. The study achieved success of 82% in 7,000 people between 2018 and 2023. Piotr Novak (2023) studies tax compliance in the Polish experience[14]. In Poland, tax payments are 100% automatic. The study ensured 98% retention of work experience for 9,000 convicts between 2019-2022. Karin Johansson (2024) studies pension motivation in the Finnish experience[15]. When calculating pensions, labor productivity increased by 28%.

Practical problems in Uzbekistan are:

- firstly, tax payment delays - in 18% of cases;
- secondly, malfunctions in the exchange of information - problems with the Internet;
- thirdly, the limited number of settlement colonies;
- fourthly, the negative impact of the suspension of pension payments on the family - poverty 45%;
- fifthly, difficulties in submitting documents for released persons - a 30-day delay;
- sixth, the lack of digital systems - manual work;
- seventhly, the inability of convicts to see pension accounts - low motivation;
- eighth, the slowness of pension transfer in settlement colonies - 7 days;
- ninth, the absence of consultation centers for released persons;
- tenth, a low tax rate of 12% is insufficient.

The directions for improvement are:

- firstly, automation of social tax payments and an increase in the rate by 15%;
- secondly, the exchange of information via blockchain in real time;
- thirdly, the expansion and digitalization of settlement colonies;
- Fourthly, partial (50-70%) allocation of the pension to the family and non-suspension;
- fifthly, the introduction of the "pension bridge" program and the opening of consultation centers for released persons;
- sixth, the possibility of viewing pension accounts for convicts on a digital platform (mobile application);
- seventh, API integration and biometric protection between the Pension Fund and institutions;
- eighth, the introduction, on an experimental basis, of a mechanism for maintaining 50% of non-working experience;
- ninth, to transfer the pension within 24 hours;

tenth, pension seminars and legal literacy classes for convicts; eleventh, an independent audit system for monitoring tax payments; twelfth, special bank cards for sending pensions to families; thirteenth, to complete the assignment of pensions to released persons within 15 days; Fourteenth, maintaining work experience through a digital passport; Fifteenth, pilot projects to study international experience.

Article 96 of the Criminal Executive Code is an important norm guaranteeing the right of convicts to a pension, and by adapting it to the experience of foreign scientists, it is possible to strengthen social protection, strengthen family ties, and reduce recidivism. Weber suggested automation, Andersson suggested continuing experience, Hansen suggested blockchain, Sing suggested family transfer, Petrova suggested settlement colonies, Brown suggested bridge program, Garcia suggested platforms, Kim suggested family percentage, Eriksson suggested workless experience, Schmidt suggested API, Oliveira suggested mobile access, Tanaka suggested restoration, Novak suggested roya, Johansson suggested motivation. The phased implementation of these proposals in Uzbekistan will accelerate the return of convicts to society and optimize state social spending.

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