



## CONCEPT AND SIGNIFICANCE OF PROBATION ACTIVITIES

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### Abstract

The article discusses the concept and significance of probation activities, and offers suggestions and recommendations for more effective organization of this work.

**Keywords:** Probation, probation activity, Ministry of Internal Affairs, Department of Public Safety, probation services.

In the process of ongoing reforms in our country, one of the priority areas of state policy is the protection of human rights, freedoms, and legitimate interests, ensuring the rule of law, and improving the judicial and legal sphere. In particular, one of the practical manifestations of these reforms is the realization of justice objectives, organizing the re-socialization of individuals who have committed socially dangerous offenses and their rehabilitation, creating conditions to raise legal awareness and legal culture, assisting in ensuring a balance between legal requirements and human interests in the post-penitentiary adaptation process, as well as developing effective and practical mechanisms for citizen participation in these processes - in other words, the effective implementation of probation activities.

In particular, the Decree of the President of the Republic of Uzbekistan No. PP-4006 "On Measures to Fundamentally Improve the Criminal Enforcement Legislation" [1] plays an important role in the effective implementation of probation activities. In particular, based on this decision, the Probation Service and its territorial divisions were established in the composition of the Department of Public Security of the Ministry of Internal Affairs of the Republic of Uzbekistan and its territorial divisions on the basis of the Inspectorate for the Execution of Punishments Not Related to Imprisonment. In particular, today this service carries out the organization of the execution of criminal punishments in the form of deprivation of certain rights, compulsory community service, correctional labor and restriction of liberty, as well as control over the behavior of persons who have been conditionally convicted and released from prison.

It should be noted that the word "probation" is derived from the Latin word "probatio" - test [2], which means ensuring the execution and control of punishments not related to imprisonment in world practice. Specifically, the term "probation" is currently used:

- In works on the study of the system of execution of criminal punishments [3];
- widely used in international legal documents, such as the Standard Minimum Rules for the Treatment of Convicts (1955) approved by the United Nations General Assembly, [4] the European Penitentiary Rules (1987) [5] and other cases.

The Law of the Republic of Uzbekistan "On Probation" of August 7, 2024 defines probation as a set of measures aimed at ensuring the execution of sentences in the form of deprivation of a certain right, compulsory community service, correctional labor, restriction of liberty, providing socio-legal and educational influence on convicts, as well as preventing

and eliminating offenses, identifying and eliminating the causes of the commission of offenses and the conditions that allow them.

It would not be an exaggeration to say that in the social life of our country, the imposition by the courts of punishments not related to imprisonment (71% in 2021, 74% in 2022, 76% in 2023) served to further increase the significance of probation. This created the need to integrate the probation field with professional personnel, and in accordance with the Decree of the President of the Republic of Uzbekistan No. PP-207 "On Amendments and Additions to Certain Decrees of the President of the Republic of Uzbekistan," the Decree of the President of the Republic of Uzbekistan No. PP-5076 "On Measures to Introduce a Qualitatively New System of Training Professional Personnel for Internal Affairs Bodies" of April 15, 2022 was supplemented, according to which the training of legal and psychological specialists in the field of

It can be said that the science of "probation activity" has a long history, first in 1927, Thomas William Trotome wrote the first book "Probation in Europe," and later began writing about probation activity in many countries and entered the stage of development as a science. Specifically, the subject of "Probation Activity" in Europe is a socio-pedagogical foundation, characterized by a combination of control and assistance, and consists of the study of the method of punishment. At the same time, the type of punishment not related to deprivation of liberty is the knowledge of methods aimed at preventing the commission of repeat offenses, which, depending on the criminological predisposition of the individual, allow him to change his attitude towards the life of society and take his place in the social environment.

Probation activity refers to the activities of the probation service related to the execution of criminal penalties and other measures of criminal law influence not related to imprisonment, as well as the social adaptation of convicted persons.

It can be said that today the Probation Service has entered the criminal-executive legislation of a number of developed countries (the USA, Denmark, Sweden, Finland, etc.) and although the activities of this service are organized differently in different countries[10], probation activity, in general, is aimed at the socialization of individuals who have committed crimes into the life of society and their moral correction, as well as the organization of re-education of probationers without separating them from the life of society.

We can also see that today, in the practice of developed countries and a number of developing countries, the execution of non-custodial sentences applied to people as criminal punishments is improving, and probation is developing. For example, in Moldova (2008), Ukraine (2015), Armenia and Kazakhstan (2016), and Kyrgyzstan (2017), the function of supervising those sentenced to non-custodial sentences was implemented by probation, and the probation service was legally regulated.[11]

In our country, as noted above, the Probation Service, which ensures the execution of criminal punishments not related to imprisonment, was established on January 1, 2019, by the Decree of the President of the Republic of Uzbekistan No. PP-4006 of November 7, 2018 "On Measures to Fundamentally Improve Criminal Legislation." In particular, in this regard, the President of the Republic of Uzbekistan, Shavkat Mirziyoyev, noted that "the role of the internal affairs bodies in ensuring the social adaptation and return to a healthy life of citizens who have unwittingly fallen into the path of crime and are serving their sentences is also increasing. In this direction, instead of the Inspectorate for the Execution of Punishments, we called the "Probation Service." This service provided training and training of convicts in the

necessary professions, employment, attracting them to private entrepreneurship, and most importantly,

Also, in order to further develop probation activities, paragraph 30 of the state program approved by the Decree of the President of the Republic of Uzbekistan dated February 3, 2021 No. UP-6155 "On the State Program for the Implementation of the Action Strategy in Five Priority Areas of Development of the Republic of Uzbekistan in 2017-2021 in the "Year of Support for Youth and Strengthening Public Health" [14] defines tasks related to "further improvement of the punishment enforcement and probation service with the widespread introduction of international standards and the principle of human

It can be said that until today, the system of probation activities in our country has been called labor and correctional work, the system of execution of criminal punishments, the inspection of the execution of punishment, the system of bodies executing punishments not related to imprisonment.

It should be noted that probation is a system of processes involving the execution of non-custodial sentences and the socialization of individuals who have committed crimes into society. In this system, the main task of the state and society is not only to punish those who have committed crimes, but also to prevent them from committing crimes again in the future and adapt them to the social life of society.

In particular, several experts commented on probation activities. For example, I. Zharonkina notes that "probation activity influences the behavior of the convict in such a way that he realizes his responsibility and takes the path of correction in consciousness." A.K. Isergepova emphasizes that probation service is understood as a form of conditional conviction, in which the convicted person is under the supervision of special bodies without deprivation of liberty, and the requirements for the duration of conviction are determined by the verdict.[16] These thoughts also reflect the significance of probation in society. Another source indicates that "probation activity is a form of social and legal control," meaning that probation, along with the execution of punishment, also implements measures of socialization. Other experts emphasized that the probation system and its activities include state bodies and institutions administering criminal punishments not related to imprisonment, organizational, legal, social, and public structures that ensure the achievement of the goal of moral correction of convicts.[18]

The Law of the Republic of Kazakhstan "On Probation" defines "probation as a system of individual control and socio-legal measures aimed at correcting the behavior of individuals identified in categories, preventing new criminal offenses."

Local expert Sh.A. Khodjaev described the basics of probation as follows:

- alternative as a manifestation of a humanitarian attitude towards serving punishment;
- the formation of socially responsible behavior in conviction;
- encouraging social adaptation and preventing repeat offenses;
- assistance in the reintegration of the offender into the life of society;
- reducing the cost of maintaining penitentiary systems[20].

It should be noted that probation as a legal institution has a long history in Europe. Also, at the end of the 20th century, the institution of probation attracted the attention of the United Nations and adopted one of the most important international legal acts in the fight against crime.[21] In developed countries, probation activities are being strengthened and improved by the adoption of legal foundations and the norms of international documents.



At the same time, in the criminal-executive practice of some developed countries, probation is an important element of the penitentiary system. For example, N.V. Ugolnikova noted that "interconnected entities in the sphere of criminal punishment execution are a unified management complex of institutions and bodies that execute criminal sentences in the form of imprisonment." [22] V.M. Anisimov emphasized that "the penal system is a multidisciplinary, multifunctional social system." [23]

It can be said that the criminal-executive sphere should not only ensure the execution of punishment, but also ensure the interests of the individual, society, and the state in the execution of punishment.

In conclusion, it can be noted that today, the Probation Department of the Department of Public Security of the Ministry of Internal Affairs, in the process of ensuring the execution of punishments not related to deprivation of liberty, in particular, in maintaining public order and ensuring public safety in residential areas, organizing crime prevention, raising the legal awareness and culture of prisoners, and creating a lifestyle that corresponds to the way of life, spirituality, values, and mentality of our people, effectively serve. However, as society always develops, offenses also develop, become more complex, and improve. Therefore, raising the efficiency of the probation department of the internal affairs bodies to a new level is a modern requirement. In other words, it is advisable for the Probation Department of the Department of Public Security of the Ministry of Internal Affairs to ensure public order and ensure public safety, implement crime prevention, eliminate the causes and conditions that contributed to the commission of crimes based on laws and subordinate regulatory legal acts, effectively use forms and methods of activity, as well as official powers. It should be noted that the main task of probation is not only to execute punishment, but also to ensure the re-socialization of convicts in society.

### References:

1. Ўзбекистон Республикаси Президентининг 2018 йил 7 ноябрдаги "Жиноят-ижроия қонунчилигини тубдан такомиллаштириш чора-тадбирлари тўғрисида"ги ПҚ-4006 сон қарори // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси - <http://Lex.uz>.
2. М.Усмоналиев (2006).Хозирги замон жиноят ҳуқуқи муаммолари. ТДЮИ нашриёти, ISBN ТДЮИ, 2006 й.
3. Samuel H. Pillsbury. Understanding Penal Reform: The Dynamic of Change. *Journal of Criminal Law and Criminology*. Volume 80 Issue 3 Fall Article 3 – P.729; Шамансуров А.А. Теоретические и прикладные проблемы модернизации пенитенциарной системы. – Ташкент: Fanvatexnologiya, 2015. – 216 с.; Борзенко Ю.А. Пенитенциарное правосознание в российском обществе: современное состояние и проблемы развития. Дис... канд. юрид. наук. – Владимир, 2008. – 176 с.; Оганесян С.М. Пенитенциарная система государства: Историко-теоретический и правовой анализ. Дис. ... докт. юрид. наук. – СПб., 2005. – 315 с.
4. Мажкумлар ҳуқуқлари: халқаро ва миллий стандартлар./Ф.Бакаева ва бошқ.– Тошкент: Тафаккур, 2011. – Б. 98.
5. Европейские пенитенциарные правила Комитета министров ООН. – М., 2016. – 136 с.

6.Ўзбекистон Республикасининг 2024 йил 7 августдаги “Пробация тўғрисида” ги ЎРҚ-938-сон Қонуни // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси - <http://Lex.uz>.

7.Ўзбекистон Республикаси Ички ишлар вазирлиги таҳлилий маълумотлари.

8.Ўзбекистон Республикаси Президентининг “Ўзбекистон Республикаси Президентининг айрим қарорларига ўзгартириш ва қўшимчалар киритиш тўғрисида” ги ПҚ-207-сон Қарори // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси - <http://Lex.uz>.

9.Ўзбекистон Республикаси Президентининг 2022 йил 15 апрелдаги “Ички ишлар органлари учун профессионал кадрларни тайёрлашнинг сифат жиҳатидан янги тизимини жорий этиш бўйича чора-тадбирлар тўғрисида”ги ПҚ-5076-сонли Қарори // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси - <http://Lex.uz>.

10.Транснациональная организованная преступность.<http://elibrary.ru/item.asp?id=14868656>

11.А.К.Исергепова ФГ казенное образовательное учреждение высшего образования «Санкт-Петербургский университет Министерства внутренних дел Российской Федерации» 12.00.09 – уголовный процесс диссертация на соискание ученой степени кандидата юридических наук. «Институт пробации в уголовном процессе: проблемы, тенденции и перспективы развития (На Примере Стран-Участников Содружества Независимых Государств) Большой юридический словарь//<https://www.internet-law.ru/dicc>.

12.Ўзбекистон Республикаси Президентининг 2018-йил 7-ноябрдаги “Жиноят қонунчилигини тубдан такомиллаштириш чора-тадбирлари тўғрисида”ги ПҚ-4006-сонли Қарори. <https://www.Lex.uz>.

13.Ички ишлар органлари ходимлари ва фахрийларига <https://yuz.uz/news/ichki-ishlar-organlari-xodimlari-va-faxriylariga>,<https://president.uz/uz/lists/view/3913>.

14.Ўзбекистон Республикаси Президентининг 2021 йил 3 февралдаги “2017 — 2021 йилларда Ўзбекистон Республикасини ривожлантиришнинг бешта устувор йўналиши бўйича Ҳаракатлар стратегиясини «Ёшларни қўллаб-қувватлаш ва аҳоли саломатлигини мустаҳкамлаш йили»да амалга оширишга оид давлат дастури тўғрисида”ги ПФ-6155-сон Фармони // // Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси - <http://Lex.uz>.

15.Жаронкина Ирина—национальный эксперт Проекта ЕС «Поддержка реформ в сфере юстиции на Украине», г. Киев

16.А.К.Исергепова ФГ казенное образовательное учреждение высшего образования «Санкт-Петербургский университет Министерства внутренних дел Российской Федерации» 12.00.09 – уголовный процесс диссертация на соискание ученой степени кандидата юридических наук. «Институт пробации в уголовном процессе: проблемы, тенденции и перспективы развития (На Примере Стран-Участников Содружества Независимых Государств) Большой юридический словарь//<https://www.internet-law.ru/dicc>.

17.[Электронный документ].-URL:<http://www.dissercat.com> “Пробация и ее перспективы в уголовном праве Республики Казахстан” тема диссертации и

автореферата по ВАК РФ 12.00.08, кандидат юридических наук 2000 г. Гета, Максим Ростиславович.

18.Vogel, Brenda (2009).The Prison Library Primer: A Program for the Twenty-First Century. Scarecrow Press. p.176.; Drucker, Ernest (2011).A Plague of Prisons: The Epidemiology of Mass Incarceration in America. The New Press. pp.115–116.; Балуев Е.Н. «Пенитенциарная система»: плюрализм подходов к обозначению социально-юридического феномена и средства охраны и защиты законности и правопорядка. // Общество. Среда. Развитие (Terra Humana). – 2010, №3. – С. 113.

19.<http://precedentinfo.kg> 19.12.2018v-otnoshenii-kakih-prestupnikov-budet-primenyatsya-probatsionnyj-nadzor

20.Ш.А.Хўжаев, “Жиноят ҳуқуқи ва криминология” каф. ўқт., РШ “Ўзбекистон жиноят қонунчилигига пробация институтини жорий этиш истиқболлари” ТДЮУ.

21.Минимальные стандартные правила Организации Объединенных Наций, касающиеся отправления правосудия в отношении несовершеннолетних (Пекинские правила): Приняты резолюцией 40/33 Генеральной Ассамблеи от 29 ноября 1985 года//Сайт«un.org.ru».-

[https://www.un.org/ru/documents/decl\\_conv/conventions/beijing\\_rules.shtml](https://www.un.org/ru/documents/decl_conv/conventions/beijing_rules.shtml).

22.Угольникова Н.В. Уголовно-исполнительное право Российской Федерации: Курс лекций. – М., 2002. – С.44.

23.Анисимков В.М. Реформа системы управления органами, исполняющими наказания в виде лишения свободы. – М., 2015. – С. 83-91.

